

BEFORE THE
CALIFORNIA BUREAU OF STATE AUDITS (BSA)

In the matter of

Citizens Redistricting Commission (CRC)
Applicant Review Panel (ARP) Public Meeting

555 Capitol Mall, Suite 300
Sacramento, CA 95814

THURSDAY, August 26, 2010
9:15 A.M.

Reported by:
Peter Petty

APPEARANCES

Members Present

Nasir Ahmadi, Chair

Mary Camacho, Vice Chair

Kerri Spano, Panel Member

Staff Present

Stephanie Ramirez-Ridgeway, Panel Counsel

Diane Hamel, Executive Secretary

Candidates

Gregory Kent Freeland

Victoria Elena Aguayo Schupbach

I N D E X

	Page
<u>Candidates</u>	
Gregory Kent Freeland	4
Victoria Elena Aguayo Schupbach	68
Recess	110
Certificate of Reporter	111

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

P R O C E E D I N G S

MS. RAMIREZ-RIDGEWAY: Good morning. The hour being 9:15, we have a full schedule today and our first Applicant is Mr. Gregory Freeland. Mr. Freeland, are you ready to begin?

MR. FREELAND: Yes, I am.

MS. RAMIREZ-RIDGEWAY: Please start the clock. What specific skills do you believe a good Commissioner should possess? Of those skills, which do you possess? Which do you not possess and how will you compensate for it? Is there anything in your life that would prohibit or impair your ability to perform all of the duties of a Commissioner?

MR. FREELAND: Since a Commissioner has the authorization to perform certain tasks, in this case, the authority to act on behalf of the voter, it is important to have a commitment, listening skills, integrity, leadership, and to practice team work. The Commission must also have the strength of impartiality and the ability to exercise analytical skills. California Redistricting Commission will be strong if Commissioners have all, or most, of these characteristics to some degree. Joint lands for the State Assembly, State Senate, State Board of Equalization, to comply with Federal law, and lands roughly equal in population require a healthy

1 dose of these Commission skills.

2 In terms of commitment, Commissioners must be
3 diligent about attending all meetings, public forums, and
4 site visits that may occur, barring any emergency
5 situations, of course. The Commissioner should be
6 committed to participating actively in Commission
7 discussions, and freely add their expertise to Commission
8 deliberations. There must be a commitment to ensure that
9 individual agendas do not bog down proceedings, and there
10 must be a commitment to finishing the task of
11 redistricting in a timely, efficient way. I don't have
12 any problems being totally committed to this task. I am
13 prepared to be committed to the goals and objectives of
14 the Redistricting Commission during intense Board period
15 of 2011 all the way to 2020.

16 Listening skills are critical. It bridges the gap
17 between Commissioners. Over time, I have developed active
18 listening skills which improve my ability to understand
19 another person's perspective. In addition to oral
20 listening, I pay close attention to written communication;
21 for example, I have circulated a redistricting paper,
22 hoping that I will get feedback on how to make it better.
23 I know that arrows, miscalculations, extra data, could
24 exist in this paper. So, I incorporate the responses into
25 the paper.

1 So, a good Commissioner has to hear the other
2 Commissioners' point of view and absorb both oral and
3 written responses from the Commissioners. I consider
4 myself to be a strong listener, which gives me the
5 capability to receive and synthesize agreeable and
6 conflicting information in working with the citizens
7 involving that information. I feel, in addition, a
8 Commissioner should have a degree of integrity that allows
9 them to exercise honesty and freedom from conflicting
10 influences and motives that would impair or impede their
11 ability to fulfill the spirit and purpose of the
12 Commission objectives. I have this integrity and would
13 not do anything to negatively impact Commission work.

14 In terms of leadership, the Redistricting
15 Commissioner will be one of 14 leaders and must practice
16 leadership skills. Each one of us will be encouraging the
17 others to strive for efficiency and order in our quest to
18 redraw the lines in a timely, professional manner. I am
19 prepared to be a leader among leaders, and I have the will
20 to be this type of leader who is always moving forward
21 towards the ultimate objectives.

22 Teamwork is also related to leadership. In
23 regards to teamwork, Commissioners should be practitioners
24 of unity among Commission members and contribute and learn
25 from members. This improves the abilities of the

1 Commissioners to act together towards a common goal.

2 I also have a strong ability to be impartial,
3 which is demonstrated through my research in community
4 activities, and being impartial when it comes to issues
5 that require overcoming political and/or ideological
6 partisan differences. If I feel that there are opposing
7 views on an issue or a situation, both sides need to be
8 explored before a practical and/or pragmatic decision can
9 be arrived at. My analytical skills are significant;
10 they've been honed by several research projects I've been
11 involved in. I have a preference for qualitative work, but
12 I will occasionally use quantitative analysis. I have
13 published articles in a variety of journals that have
14 required varying degrees of analytical skills from the
15 most basic to the complex. In my studies, I do have a
16 preference for social and political movement studies.

17 A good Commissioner must be willing to bring their
18 strength and experience to bear on the Commission's
19 charge. My experience has been honed by participation in
20 all types of Boards and Commissions, with diverse
21 configurations. For example, I am on an African-American
22 Leadership Commission, which is made up of predominantly
23 African-Americans, but they are dominated by Pastors,
24 religious leaders, and there is even an African-American
25 Republican on this Commission. I have also been on the

1 Ventura County Star Editorial Board, which is also made up
2 Democrats, Republicans, and Independents, and we were
3 charged with interviewing candidates who were running for
4 office and people who were pro and con on various
5 propositions. In that case, we came to an important
6 conclusion because the Ventura County Star is a local
7 newspaper in the county and their endorsements are very
8 important. So, we ended up endorsing both Republican and
9 Democratic candidates with really no conflict there.

10 I also am on the CAUSE Board and there is an
11 extraordinary amount of diversity there, you know, there
12 is young, there is old, there is Academics, professional
13 community activists, and so on. And lastly, I'm on a
14 university faculty staff board which is diverse in the
15 sense that it is interdisciplinary.

16 Experience-wise, I have and continued to research
17 election rights about citizen-based task force on
18 redistricting. I can bring this experience to bear on the
19 Commission by, for example, identifying the learning tools
20 employed by community members to prepare and join district
21 lines, like getting expertise on GIS instruction, legal
22 advice, legislative cooperation, community resources, and
23 academic assistance.

24 I believe the Commission could use, also, some
25 historical background on what the results of districts

1 drawn with political partisan considerations have
2 accomplished. The Commission will have more strength and
3 conviction to operate on the side of community interest if
4 data shows serious neglect in the prior redistricting
5 plans. This would tell us who is missing, marginalized,
6 and/or manipulated negatively by these lines. Some
7 background in California geography would also help.

8 A good Commission knows when to refer to other
9 more qualified and knowledgeable sources of information
10 and expertise in discussing and proposing ideas and
11 solutions. I have some weaknesses in the language areas.
12 I spent a time in Latin America, mostly in Guatemala,
13 several years ago, and my Spanish language skills have
14 diminished over time. I think, during our public
15 hearings, some Spanish language speakers may come forward
16 and I may not have the fluency to translate effectively;
17 but I'm pretty sure there will be translators on site to
18 take care of this.

19 I don't believe there is anything in my life that
20 would prohibit or impair my ability to perform all of the
21 duties of a Commissioner.

22 MS. RAMIREZ-RIDGEWAY: We have about 11.5 minutes
23 remaining. Describe a circumstance from your personal
24 experience where you had to work with others to resolve a
25 conflict or difference of opinion. Please describe the

1 issue, and explain your role in addressing and resolving
2 the conflict. If you are selected to serve on the
3 Citizens Redistricting Commission, tell us how you would
4 resolve conflicts that may arise among the Commissioners.

5 MR. FREELAND: Okay. I have plenty of examples
6 over my lifetime, of course, but I think I will use one
7 dealing with a cultural conflict.

8 I attended a meeting in Pittsburgh and we were
9 supposed to come out of this meeting with a statement, a
10 resolution on Black-Brown Relations. Several Latinos in
11 the room spoke of their mistrust of Blacks based on what
12 they had when they came across the border, for example;
13 for instance, that Blacks were prone to crime and did not
14 like hard work. Several Blacks in the room felt the
15 Latinos were undercutting their ability to get jobs, were
16 working for less, and that they were hostile to Blacks.

17 I helped resolve some of these differences by
18 introducing [inaudible] of the cooperative relations
19 between Blacks and Latinos throughout history. For
20 example, I told the group about Mexico outlawing slavery
21 and accepting free Blacks, and I told them about how
22 Blacks looked at Poncho Villa, who is a hero in the
23 Mexican-American Revolution, as a hero, as well. And, as
24 a matter of fact, quite a few Blacks, when they read some
25 of the newspapers, they feel that he has some Black blood

1 in him, as well. So, simply put, my point was that both
2 groups faced similar circumstances, lack of work, poor
3 healthcare, weak schools, etc., that should unite rather
4 than divide. So the final resolution was conciliatory
5 and, so, this is an example to illustrate how the
6 assertion of respect for one's culture can assist in
7 conflict resolution.

8 Now, I would resolve conflict among the
9 Commissioners by using the same technique. We don't have
10 to employ culture, for example, but I can do the same
11 thing of partisan political difference and methodological
12 differentiations, as well. Environments where personal
13 differences come into play, it can get pretty hot, but I
14 think that it could be cooled down with some kind of
15 appreciation of differences. In the midst of conflict, I
16 try to understand the other person's perspectives, and
17 when it comes to effective conflict resolution, how
18 effectively I listen is important to how I effectively
19 express myself. It is vital to understand the other
20 person's perspective, rather than just my own, and if we
21 are to come down to some resolution, to bridge the gap to
22 understand where disconnection lies.

23 MS. RAMIREZ-RIDGEWAY: How will the Commission's
24 work impact the State? Which of these impacts will
25 improve the State the most? Is there any potential for

1 the Commission's work to harm the State? And if so, in
2 what ways?

3 MR. FREELAND: Well, since the Commission, the
4 California Redistricting Commission, have attempted to
5 focus on factors other than, say, partisan politics, like
6 in this case, compactness and fairness in representation,
7 I believe the successful redrawing of the lines will
8 result in elections that will be more competitive because
9 all the candidates who expect to win will likely have to
10 campaign on the dominant community interests within their
11 Districts, instead of political partisanship. Now, this
12 is good for California.

13 In addition, it can impact the State because it
14 could take the edge and cynicism off individuals who feel
15 that government is not responsive to them because their
16 local representatives would be in sync with their needs.
17 So, following a community of interest formula, I believe,
18 can empower particularly groups, you know, such as Asian
19 Pacific-Americans, African-Americans, Latinos, but could
20 also empower groups like Environmental Sustainability
21 groups, while working for communities, but not splitting
22 their communities into two, three, or more Districts. If
23 the Commission successfully maintains the geographic
24 integrity of cities, counties, neighborhoods, and
25 communities of interest into a single geographic compact

1 district, I believe the positive impact in the State would
2 be excellent. Both of these impacts, I feel, have similar
3 abilities to improve the State.

4 Now, the potential for harm can flow from
5 misinterpretation of the data, Census numbers, and public
6 testimony. If the California Redistricting Commission
7 does not make the proper decisions, and population shifts,
8 and there is a population lost to population growth, and
9 so on, it would be harmful to various things, for
10 instance, like businesses, that a lot of times rely on
11 Census Data to go in to locate there, and so on. A line
12 drawn around a population that has a weak cultural
13 community, and geographic, and so on, connections, would
14 be the most harmful.

15 And lastly, harm can also come in terms of public
16 testimony. If the Commission could hold two free public
17 hearings, or hold hearings in inaccessible community
18 sites, in the wrong place, in general, then they would
19 miss out on some critical information from the community.
20 I have confidence that the Redistricting Commission can
21 avoid these negative impacts by being aware of them.

22 MS. RAMIREZ-RIDGEWAY: Describe a situation where
23 you have had to work as part of a group to achieve a
24 common goal. Tell us about the goal; describe your role
25 within the group. And tell us how the group worked or did

1 not work collaboratively to achieve this goal. If you are
2 selected to serve on the Citizens Redistricting
3 Commission, tell us what you would do to foster
4 collaboration among the Commissioners, and ensure the
5 Commission meets its legal deadlines.

6 MR. FREELAND: Well, I have worked with plenty of
7 groups working to achieve a common goal, both in the role
8 of participant, or leader. I've been a Chair, Directing
9 President, and so on. In the leadership roles, I really
10 had to marshal these skills to help the group achieve some
11 kind of common goal. But I will use an example from
12 diversification goals on campus.

13 I have been on the President's Diversity Council
14 for a number of years, eight to nine years, and a common
15 goal was more diversity across the Board, faculty,
16 students, and staff. There were a number of ongoing
17 problems that got resolved over time for defining what
18 diversity meant, minority, culture, and so on. In fact,
19 we had a President at the end that felt that Norwegians
20 could count in this diversity definition, as well. And
21 there's also some conflict over what percentage of
22 minorities represent what could be called successful
23 diversification, whether 10, 20, or 30, and so on.

24 One particular issue that came up was whether the
25 interpretation of statistical data was significant or

1 sufficient. One colleague wanted to dismiss anything
2 based on the data we had because he said it was pool
3 analyzed, it didn't appear to be deeply researched by the
4 people who were doing it. Now, another faction felt that,
5 well, it was sufficient and the data we had was very very
6 good. So, this went on for a couple of meetings and we
7 were getting sort of bogged down on the issue. But
8 finally, we went back, looked at the data, and made some
9 alterations on how it was interpreted and we were able to
10 proceed from there.

11 I had no dominating role in this, but the value,
12 you know, of comments and suggestions based on my
13 philosophy of listening to both sides before supporting
14 one or the other, and then coming to some kind of
15 compromise. It either blends the two, or eliminating one,
16 due to a lack of legitimate practicality. So, I would
17 carry out this practice over into the Redistricting
18 Commission with whatever touch of urgency might be needed
19 to fulfill our timeline.

20 MS. RAMIREZ-RIDGEWAY: A considerable amount of
21 the Commission's work will involve meeting with people
22 from all over California who come from very different
23 backgrounds and very different perspectives. If you were
24 selected to serve on the Commission, tell us about the
25 specific skills you possess that will make you effective

1 in interacting with the public.

2 MR. FREELAND: Well, the response to this question
3 also contains examples of my impartiality qualities.

4 I speak quite often to community groups and
5 organizations in regards to their political ideological
6 perspectives. As a matter of fact, sometimes I go into
7 these groups and I really don't know what their political
8 ideological perspectives are. For example, I just spoke
9 to a local Kiwanis group on Civic Engagement. I gave
10 lectures at the American Association of University Women,
11 Camarillo Democratic Club, GOOD Club, Oxnard, and so on.

12 In addition, I was on the road for the California
13 Redistricting Commission, speaking about encouraging
14 minority women to apply to the Commission, and I
15 encountered several different publics there since I last
16 spoke on Martin Luther King Day celebration, I spoke for
17 the Lompoc Democratic Club, etc., and so on.

18 So, this has allowed me to develop the kind of
19 skills, like understanding people who are troubled to
20 claiming their points or questions, to claim their point
21 of view, and people who might want to talk on and on, like
22 I may be doing now, I'm not sure! But I have encountered
23 a diverse group of people among these experiences.

24 Now, I have not appeared before a group that has a
25 potential to be loud, rowdy, and sloganeering, and I seem

1 to be admonished at our public meetings in case someone
2 tests the limits of civility, but I don't really expect
3 this to be much of a problem until the lines are drawn.
4 Then, when we have meetings after the lines are drawn, I
5 suspect that we might have this problem; people may tend
6 to get a little bit rowdy out there and we may have some
7 kind of problem dealing with it. But, one thing I know is
8 that I would not lose my temper, nor would I get into any
9 back and forth exchange with the public out there, whether
10 they are disruptive or not. And I also find the
11 disruptive type attitude can come from anyplace, it is not
12 relative to a particular demographic. So, I think I will
13 hold up whether the meeting is in the San Francisco Bay
14 Area, or Bakersfield. And I think these public meetings
15 should happen over the 10 years of the Commission because
16 we need to document public and private feelings about
17 these lines. So, we want to check out the records of the
18 legislation selected over any of our new Districts. This
19 is important for this Commission's long term work and will
20 set it well for the Commission that replaces us in 2020.
21 So, lessons of the past and present are important to carry
22 out its future work and I suspect that we're going to get
23 quite a bit from our public exposure.

24 MS. RAMIREZ-RIDGEWAY: Mr. Ahmadi.

25 CHAIR AHMADI: Yes, thank you. Good morning, Mr.

1 Freeland.

2 MR. FREELAND: Good morning.

3 CHAIR AHMADI: Let me start off with a few follow-
4 up questions on your responses to the standard questions.
5 A couple of times, you touched on the importance of
6 correct interpretation of data in response to Question 3,
7 when you were discussing, you know, the harm or the causes
8 for a harm, for the harm. You said that one cause could
9 be that the data will be misinterpreted. I have kind of
10 two follow-up questions to make sure that I get a complete
11 picture of your response. What kind of data are you
12 referring to? In other words, what data do you think is
13 subject to misinterpretation? And, number 2, what is a
14 good interpretation of data vs. a bad interpretation of
15 it, in your mind?

16 MR. FREELAND: Uh huh. Well, for the first part
17 of your question, the data on how to interpret what is an
18 equal population balance; for example, we need to get as
19 close as possible to equality there. I suppose there is
20 some deviation that we are allowed to have there, but, for
21 the most part, I think that needs to be exacting. And
22 this is probably not too difficult of a problem. But the
23 second part of misinterpreting the data would be the data
24 we get from our public hearings. Some Commissioners may
25 hear things a little bit differently and it is going to be

1 important for us to interpret that data and incorporate
2 this data into our final analysis. If we have different
3 interpretations of what people are saying out there, we
4 could come up with some different kinds of conclusions,
5 and these conclusions could be negative. Data is not as -
6 a lot of times, not as objective as it appears to be;
7 there could be some subjective interpretation of data, so
8 it's incumbent upon us to make sure that that data is -
9 that we may have to do it three or four times, looking at
10 the same data over and over and over and over again, to
11 make sure it works. And maybe we could even have some
12 kind of sample applications of that data also to make sure
13 that it works. And the second part of your question was -

14 CHAIR AHMADI: How would you approach to make sure
15 that data is not misinterpreted?

16 MR. FREELAND: Oh, yes.

17 CHAIR AHMADI: You kind of alluded to that.

18 MR. FREELAND: Yeah, I did, yes.

19 CHAIR AHMADI: By the use of application, for
20 example.

21 MR. FREELAND: Right.

22 CHAIR AHMADI: You mentioned that, you know, the
23 equal population data may be misinterpreted. Could you
24 please elaborate on that?

25 MR. FREELAND: Uh -

1 CHAIR AHMADI: How it will be misinterpreted?
2 MR. FREELAND: How it can be misinterpreted?
3 CHAIR AHMADI: Yes.
4 MR. FREELAND: Well, for example, if you have,
5 say, 10 million people and you need 1 million in 10
6 Districts, well, some may say, "Well, this doesn't mean
7 that it has to be equal all the way, per se, so we can put
8 1.5 million here and we could leave a half a million over
9 here because this area doesn't appear to be as important,
10 there doesn't appear to be anything going on in this
11 particular area of the State." You know, there's no
12 housing, it's mountainous, and so on. So we can make an
13 interpretation, a subjective interpretation that these
14 numbers really don't fit what it is we're trying to
15 accomplish. And what I'm suggesting to you is that some
16 leeway can be taken. Objectively, there shouldn't be a
17 problem. If you have a million people, one million here,
18 one million there, and so on, it's very very easy. The
19 problem will become when you have a subjective
20 interpretation of the data.

21 CHAIR AHMADI: I'm still not clear in my
22 understanding of your response, so let me just follow-up
23 on that. What source would you use for this data in terms
24 of number of people living in a particular area?

25 MR. FREELAND: Well, we will use the Census Data,

1 so -

2 CHAIR AHMADI: So - okay, go ahead.

3 MR. FREELAND: Yes. And I suspect that is going
4 to be coming out April 1st, we'll be using that, and that
5 would be our main source.

6 CHAIR AHMADI: Okay, so let's assume that you are
7 using the Census Data, and I just want to make sure that I
8 understood your response. Let's assume that you're
9 getting the Census Data for an area in California, and
10 then the data shows that there is a huge geographic
11 location that has one million people, and then, next to
12 it, there's a city or urban area that has four million
13 people, I'm just throwing in that example to make sure
14 that I understand. So, you're saying that the geographic
15 or the size of the area where populations are living has
16 an impact on the interpretation of where the lines should
17 be drawn?

18 MR. FREELAND: I'm saying that it could. I'm not
19 saying that it will, I'm just saying that it could.

20 CHAIR AHMADI: In what way? Could you give me
21 some more specifics on it?

22 MR. FREELAND: Can I give you an example?

23 CHAIR AHMADI: Yes.

24 MR. FREELAND: Well, let's say Northern
25 California, over by the Bay Area, doesn't appear to be

1 significant in terms of representation.

2 CHAIR AHMADI: Significant in terms of
3 representation based on population size, you mean?

4 MR. FREELAND: Based on population size and also
5 based on what actually takes place up in those areas; for
6 example, there's not a whole lot of industry in those
7 areas.

8 CHAIR AHMADI: Can you name one of those areas,
9 please?

10 MR. FREELAND: Industries?

11 CHAIR AHMADI: The area that you mention.

12 MR. FREELAND: Oh, yes, well -

13 CHAIR AHMADI: You said North of San Francisco?

14 MR. FREELAND: Yeah, up around Eureka, perhaps, up
15 in that area going towards the border of Oregon.

16 CHAIR AHMADI: Okay.

17 MR. FREELAND: Now, these districts are supposed
18 to be equal. I'm just suggesting that we have to watch
19 any type of subjectivity that might come in; for instance,
20 like the Central Coast, there is some - when I was out
21 doing my talks, there are a lot of people in the Central
22 Coast who feel that they weren't getting proper
23 representation. Now, this wasn't necessarily based on the
24 way the population was distributed, but if a Commissioner
25 feels that, because there is more industry, there is more

1 economic interests, etc., in the San Francisco Bay Area,
2 then they will feel more likely - again, this is a
3 hypothetical - they'll feel more likely to want to insert
4 more population unnecessarily into that area and less into
5 the northern areas which, of course, result in maybe one
6 less representative in that area, and more representatives
7 unnecessarily in the Bay Area, or Los Angeles.

8 CHAIR AHMADI: Okay, maybe we are not connected,
9 but I am still not clear, so let me just follow-up on that
10 to make sure that I get it correct. Well, let me ask you
11 this, as I am sure you are aware, the Voting Rights Act,
12 for example, requires the equal population, and the equal
13 population as you have mentioned, mainly is coming from
14 the Census Data, and to what extent do you think the
15 Census Data is reliable?

16 MR. FREELAND: Well, basically what I've read,
17 this time it seems to be a little bit more reliable than
18 other times; not everybody fills out these forms, and I'm
19 sure there's going to be some shortage of numbers in
20 various places. I know in Oxnard, California, they do
21 their own data, which they submitted to the Census Bureau
22 after the Census Bureau collected their data, and some
23 adjustments were made there.

24 CHAIR AHMADI: By how much? Do you have the
25 numbers or - I'm just curious to know.

1 MR. FREELAND: Yeah, I don't have the exact
2 numbers, but there was, you know, maybe about 40,000,
3 something like that. I think what happens is maybe people
4 do not answer their door; they do not want to answer their
5 door. Some people are concerned about their legal status,
6 and when they did the local count, they were familiar with
7 the local people who were doing the count, there were more
8 ready to come forward and be counted. And I think the
9 Census Bureau has a process where these can be added later
10 on. So, I think, for the most part, the Census is
11 accurate enough, as long as they consider all of these
12 moves.

13 CHAIR AHMADI: So, should you be selected as a
14 Commissioner, in using this data, this Census Data, in
15 trying to decide where to draw a line based on the number
16 of -- let's assume that, in my example, just look at one
17 criteria which is the equal population -- and if there is
18 a group of people in that area that disagree with the
19 Commission's decision, saying that, you know, "We don't
20 care about the Census Data, we don't believe in Census
21 Data," in a way, you know, if they have the perception
22 that the Census Data is not complete, for example, what
23 would be your response to them?

24 MR. FREELAND: Well, my response would be that we
25 have to - legally, we have to go along with the Census

1 Data because a lot of other numbers may not be legitimate
2 enough to consider.

3 CHAIR AHMADI: Okay, thank you, sir. I think I'm
4 clear on your response. The second part of my question
5 was, well, your response about my question was, one area
6 that is probably highly subjective in terms of
7 interpretation is when you receive input from the
8 communities, when people come to the Commission and share
9 their, for example, interests, could you elaborate on
10 that, please - if you can give us an example, that would
11 be great.

12 MR. FREELAND: Yes. When I was speaking for a
13 Martin Luther King Day meeting up in Lompoc, when I
14 finished talking about the California Districting
15 Commission, many people came up and said, "Well, I don't
16 feel that I'm properly represented, and why is some of our
17 area over in Kern County, for example? We have no
18 interest whatsoever with what they're interested in over
19 there." They were unhappy about that. So, if we are
20 having people come forth and talking about these kinds of
21 things, I think these are the kinds of things we need to
22 consider. And maybe one of the most important things that
23 we need to consider, of course, is how people feel about
24 how they are represented, and they feel that they are
25 represented because their district - they feel that these

1 districts are politically drawn. Then, I think we need to
2 take that into consideration.

3 CHAIR AHMADI: Okay. Is there any specific
4 criteria, or guideline, or rules that you're going to be
5 applying -

6 MR. FREELAND: To the public meetings?

7 CHAIR AHMADI: -- in that situation? Yes. If
8 yes, which ones?

9 MR. FREELAND: Well, that might be one of my first
10 questions is, how do you feel about the districts the way
11 they are right now? And second, I would like to know,
12 what would you suggest would be better? I'd also like to
13 find out what they feel the majority of people in their
14 community would like to have happen, that has not
15 happened.

16 CHAIR AHMADI: Okay, thank you, sir. Another
17 follow-up question, kind of a different area. In response
18 to the standard questions, several times you mentioned
19 your involvement with the communities, community
20 organizations such as CAUSE, you mentioned. And you also
21 mentioned, I believe it was in response to the last
22 question that you would encourage minority women to apply
23 for the Commission's work. Could you give us some more
24 specifics about your activities? How did you approach the
25 minority women? What kind of activities did you get

1 specifically involved with? And whether or not you feel
2 successful in getting their attention, and getting them to
3 apply for the Commission?

4 MR. FREELAND: Uh huh. Well, I gave them
5 statistics, especially early statistics on who was
6 applying for the Commission. I would say, "Look, there
7 seems to be a [inaudible] in male applications here so
8 far, so we need to make sure that women are involved in
9 this process." And I said, "For example, in the Central
10 Coast, there has only been one African-American women that
11 has applied so far, so would you consider applying?"

12 CHAIR AHMADI: How did you - I am sorry for
13 interrupting you. How did you identify these minority
14 women?

15 MR. FREELAND: Well -

16 CHAIR AHMADI: Did you use an organization, for
17 example, or how did you identify -

18 MR. FREELAND: Well, both. For example, in this
19 case, there were a couple of church members and the
20 African-American woman who I was talking to say, "Okay,
21 well, I'm going to take these forms," I had some pamphlets
22 that were printed up by Common Cause, "...I'm going to hand
23 these pamphlets out at Church, and I'm sure that there are
24 certain women that would want to apply for this." I would
25 go to the, say, club, a political club in the area and do

1 the same thing, I would encourage the women, and minority
2 women, in particular, to apply to make sure that the
3 Commission and, of course, you all understood that there
4 is a tremendous amount of interest in the minority and the
5 women's community on being on this Commission. And it
6 wasn't just words, you know, that were being said out
7 there.

8 I felt that it was successful because I looked at
9 - well, when I was at the Central Coast, I looked at the
10 data off of that, and it appeared that there was a spike.
11 Now, I'm not saying it's what I was doing, but there was
12 an effort by many groups to do this, but there was a spike
13 in women who were applying for this. One of the other
14 things I did, too, is I also wrote to Op Ed pieces in
15 local newspapers, saying what I'm saying to you right now.
16 And I got a couple phone calls from women who said, you
17 know, "What is with this Commission," and, "I'd like to
18 apply for this, and I thought your article was very
19 informative," and so on. And I had these articles in the
20 San Luis Obispo and Ventura and other - so I was helped by
21 groups like Cause, who were very very involved in
22 community work. And I myself am a member of the community
23 and I'm passionate about getting minorities and women
24 involved where they might not be involved because a lot of
25 these issues would involve them. So, all in all, I felt

1 that my efforts were quite successful and I was pretty
2 excited about going out and doing this.

3 CHAIR AHMADI: And, based on your application, in
4 connection with this subject, you also mentioned that you
5 have conducted workshops and a tremendous, you know,
6 network - and I appreciate that - to encourage people to
7 apply. Do you know if, well, first of all, what was - in
8 general terms because I am running out of time - what is
9 the demographic of the people that you worked with?

10 MR. FREELAND: Well, the demographics were mostly
11 Latino, I went with the Associate Executive Director of
12 Cause, who is leading a lot of these workshops, and I went
13 to these workshops to make a presentation. Mostly Latino.
14 When I was in Lompoc, it was, depending on the club, of
15 course, it was basically Anglo women. When I spoke for
16 Martin Luther King Day celebration, it was a mix, there
17 were Latinos and African-Americans there.

18 CHAIR AHMADI: Are any of those individuals that
19 you probably know currently in the pool?

20 MR. FREELAND: Well, one.

21 CHAIR AHMADI: Who is this one?

22 MR. FREELAND: That was Gabino Aguirre.

23 CHAIR AHMADI: Okay.

24 MR. FREELAND: We're from the same area and I
25 think he went to a couple of practice sessions and a

1 workshop, and the rest I don't know, they may have been, I
2 didn't actually research the list that you had until I
3 found out a little bit more about this.

4 CHAIR AHMADI: How much time? Three minutes,
5 okay, thank you. Can you tell us about your involvement
6 with Cause?

7 MR. FREELAND: Uh huh. Well, I'm the President of
8 the Board and, you know, Cause is an organization that is
9 dedicated to organizing grassroots efforts to deal with
10 efforts and causes such as environmental, social, and
11 economic justice. We have a public policy research
12 component to it, and so on. I, as the Director there,
13 President of the Board, of course, I engage in -

14 CHAIR AHMADI: When were you - I'm sorry for
15 stopping you because I'm running - when was that that you
16 were the President?

17 MR. FREELAND: I am right now.

18 CHAIR AHMADI: Oh, you are right now. Sorry.

19 MR. FREELAND: That's fine. But my job is
20 basically to support the efforts of the Executive Director
21 and the staff there and, of course, to handle the agenda
22 and try to see that the Board stays on time with their
23 various conversations. We are a nonprofit organization,
24 so we cannot endorse any candidates, but we can inform the
25 people about what's going on. For example, we can support

1 Propositions, which we do.

2 CHAIR AHMADI: Thank you, sir. I wish I had more
3 time to chat with you, but I think I'm running out of
4 time, so no more questions at this point.

5 MS. RAMIREZ-RIDGEWAY: Ms. Camacho.

6 VICE CHAIR CAMACHO: Thank you. Hello, Mr.
7 Freeland.

8 MR. FREELAND: Hello.

9 VICE CHAIR CAMACHO: I would like to say thank you
10 for going out there and encouraging the diversity of the
11 applicant pool, so thank you very much.

12 MR. FREELAND: Oh, you're welcome.

13 MS. RAMIREZ-RIDGEWAY: I was going to say the same
14 thing.

15 VICE CHAIR CAMACHO: I took her thunder.

16 CHAIR AHMADI: And I forgot to say that. I think
17 I did, but in my mind I think I did.

18 VICE CHAIR CAMACHO: You talked a little bit about
19 when you were going out to these meetings that, when you
20 were out in the Central Coast, that some of the Central
21 Coast individuals felt that they were not adequately
22 represented. Can you kind of elaborate on why they felt
23 that way, from what you took from that, those meetings?

24 MR. FREELAND: Yes. I think one of the things is
25 that they didn't feel like they were getting fair

1 representation from their representatives. And they
2 attributed that to the fact that perhaps these lines were
3 drawn politically, and the representatives didn't have any
4 real interest in helping them out. And there was nothing
5 real specific about what they were saying. One of the
6 things I noticed they say well, "This person is
7 inaccessible. They never come to our community to talk
8 with us." And, "We don't have a very good choice when the
9 voting comes around, so we are sort of discouraged about
10 voting." But no particular policy, in general. I think,
11 basically, it was just a feeling. Some of the people who
12 I was talking with, they didn't have the ability to
13 articulate political woes happening, they just had this
14 feeling, is something is not right. And I think a lot of
15 it has to do with the fact that these individuals did not
16 seek them out, for example, to ask them, "What do you
17 want? What do you think is going to make your community a
18 little bit better?" And so on. And problems could exist
19 all the way from, say, health care issues, for example,
20 and they felt that there was a lot of focus on the other
21 areas. Some of this could be right, some of it could be
22 wrong, but they felt there was an over-emphasis on the
23 populace areas. Well, you know, Los Angeles County has a
24 lot of representatives up there. And of course, they look
25 at representatives, they can see that, "Well, you know,

1 these representatives look more like me," for example,
2 there are more women from LA County, there are more
3 minorities from LA County, there are more Latino
4 representatives, there are more African-American
5 representatives, and the same thing for the San Francisco
6 Area. So, they felt that there was a disconnect. And I
7 don't know whether it's just a feeling that sort of comes
8 over people when they live in areas like this, because
9 this Lompoc, for example, is off the beaten path, so to
10 speak, even off 101, you have to drive way in there to
11 sort of get there, and they know they voted for
12 representatives, and they feel their representatives do
13 not go to their county, they just have a feeling there.
14 And they really do feel, even though they really don't
15 know anything about redistricting, per se, that something
16 needs to be done about joining these lines.

17 Now I would also say about redistricting, is that
18 I found out that sometimes people don't know what
19 particular district they're in, anyway. They might know
20 who the individuals are, but they don't know that that's
21 the 19th Senatorial District, or they don't know if it's
22 the 35th or 37th Assembly District, and so on; those kinds
23 of things, they don't know about. And this is one thing
24 that I was interested in doing, saying, "Yes, this is your
25 district, look at it and see how it could be better."

1 Some of them actually felt that that little sliver of a
2 district part over there doesn't necessarily belong in the
3 district, and if it wasn't there, then the representatives
4 running the district would probably be more representative
5 of us.

6 VICE CHAIR CAMACHO: So you kind of talked about
7 that with them a little bit?

8 MR. FREELAND: Yes, I did. Not all of the groups,
9 but I certainly brought it up and went as far as I
10 possibly could in trying to explain that kind of a
11 situation.

12 VICE CHAIR CAMACHO: Did they feel that, with the
13 citizens commissions, this would help out some of their
14 issues that they identified to you?

15 MR. FREELAND: Yes, they did. Yes, they did. And
16 I think they were attracted to the possibility that it
17 would be a non-political individual drawing up the lines.
18 Now, when you say "citizens," then they sort of perked up
19 a bit because that could be them, that could be you, that
20 could be I, and so on. So, yes, they did get excited
21 about this possibility, that these lines would be drawn
22 up. They had a feeling if it's not drawn up by
23 politicians, not that they didn't trust them, of course,
24 but they felt that if it wasn't drawn up by politicians,
25 they really did have a better chance to have better

1 representation because the citizens would keep in mind
2 what these citizens actually wanted to have happen.

3 VICE CHAIR CAMACHO: Do you feel, since you do
4 have a higher education than a lot of individuals within
5 California, that if you were on the Commission that you
6 could relate to all citizens and represent all of
7 California?

8 MR. FREELAND: Yes, I do. I have a real passion
9 for the average every day person. Even though I've gone
10 away, myself, I feel a connection with my community, the
11 surrounding communities, and the state, in general. And I
12 feel that I can connect with individuals and it doesn't
13 matter what the socioeconomic, race, cultural, I listen
14 carefully and I do have that compassion that I think is
15 necessary. And I think it would come through when I'm
16 facing them, as a matter of fact. I don't know how to
17 explain it, but, you know, I think some people can sense
18 that I'm on their side and I want to listen and I want to
19 help them out as much as possible.

20 VICE CHAIR CAMACHO: These groups that you went
21 to, to talk to, to help notify individuals of their
22 ability to apply to the Citizens Redistricting Commission,
23 what kind of makeup were they? Average citizens?

24 MR. FREELAND: Yes. Yes, yes. They were average
25 citizens. Now, I did talk to a couple of clubs, like the

1 Democratic Club, for example, and they were average
2 citizens, but they were strong activist Democrats. But in
3 other instances, like the Martin Luther King Day
4 celebration, for example, those were average every day
5 citizens. Those are the citizens that we don't normally
6 encounter in our everyday lives. If you go to church, for
7 example, you may encounter them because the church seems
8 to be bringing a lot of diversity there. But these are
9 everyday citizens. Some were unemployed, there's a lot of
10 retired individuals who were active in their local
11 communities in terms of church bazaars and so on, but they
12 weren't politically active. And they looked at me very
13 careful when they knew I was going to give - they thought
14 I was going to give a political speech, but once I sort of
15 went upon some of the interests, they sort of warmed up a
16 bit. So, yes. Now, many groups didn't have a lot of
17 young people there, you had to sort of seek them out
18 specifically. But in terms of people, working people,
19 retired people, they were there. And I noticed in some
20 groups, women were actually very very active in these
21 groups, and they themselves were not necessarily
22 politically active, but they were community active.

23 VICE CHAIR CAMACHO: Thank you. Could you
24 describe what you've learned about the redistricting
25 program in your research project at the Ventura County

1 Board of Supervisors Districts and how will that help you
2 as a Commissioner?

3 MR. FREELAND: Uh huh. Well, one thing I learned
4 is that citizens can draw the lines if they do it
5 properly, and these citizens did do it properly. And one
6 interesting thing about that Commission - that task force
7 - is that they were not chosen by anyone, it was a self-
8 selecting group of individuals, so truly a citizens
9 commission. For example, I was up in San Diego, just a
10 little aside, and San Diego has a citizens commission, but
11 it's like this commission, you know, you go before a
12 three-judge panel and they choose the people who have
13 applied. In this case, they were self-selected.
14 Admittedly, they were activists. But there was a diverse
15 group of individuals. And this is one place where I
16 learned that people with diverse backgrounds can work
17 together, so that there was someone there from El
18 Concilio, LULAC, NAACP, League of Women Voters, and so on.
19 And they were quite successful in how they approached this
20 whole thing. Not only did they have workshops on how to
21 get involved, the kind of workshops that we probably had
22 to have on this commission, they had legal advice, they
23 established, I guess, a communicative type of liaison with
24 the Board of Supervisors. This is the Board of Supervisor
25 districts. They went to the Board of Supervisors and

1 actually talked to a demographer there, they talked to the
2 legal advisor for the Board of Supervisors to make sure
3 that what they were doing was okay and legal. And this
4 was during several steps along the way. Once these lines
5 were drawn - and, oh, by the way, I should also mention
6 that they used some Academics, as well, Academics in terms
7 of these rules are here, these rules are there, and so on,
8 that needed to be incorporated, came over and did lectures
9 before them to learn how to do things like lay out Mylar,
10 so you could see the way districts were, and maybe
11 experiment the way you wanted to draw districts, so you
12 were able to draw over these things, "Well, that looks
13 okay," you know, "...these people here, these people there."
14 And the final result was that the Board of Supervisors did
15 take their plan above plans that were submitted by the
16 Board of Supervisors staff. The consequence of this, as I
17 found out, was that it worked and it worked in terms of
18 fair representation. Now, I was suggesting earlier here
19 that we need to look at the history, so I did not look at
20 the prior - I did not look at the Board of Supervisors
21 drawn from 1990 to 2000, I looked at the one from 2000 to
22 2010. And the way I decided whether or not it really
23 worked, I looked at the way the systems voted on
24 Propositions, then I compared the way they voted on
25 Propositions to what the Board of Supervisors are actually

1 doing legislatively, publicly, or privately, and so on.
2 So, for example, Proposition 8, which is, you know, sort
3 of the controversial proposition, well, they drew District
4 1 based on the fact that that community of interest seemed
5 to be environmentally sensitive, a lot of young
6 professionals over there, and so on, a very very liberal
7 District. So the District Supervisors liked that. So, I
8 see that that's the only district in Ventura County that
9 actually voted no on that proposition. I see that the
10 Supervisor there is, you know, sympathetic to that. And
11 so, for example, one of the things on his website says
12 that, "Well, this is the only district that has a gay
13 club." I talked to a gay activist that said, "Yes, that's
14 true, and as a matter of fact, we tried to get one over
15 here in District 4, but they nixed it." And of course, if
16 you look at District 4, it's a very very conservative
17 district, and they voted yes, and their supervisor, of
18 course, is holding up to that. I looked up, a proposition
19 like Education Propositions, for example; in District 5,
20 which is basically drawn up to be a working class
21 district, it's a Latino District. As you know, of course,
22 you're not supposed to - unless you really have to
23 consider race - so they looked at a working class
24 interest, so they treated the issue based on that, there
25 just happened to be more Latinos in there who were working

1 class. Well, those Education Propositions, they voted
2 yes, yes, yes, yes, yes, yes, but some of the other
3 districts like, you know, District 2, or District 4, which
4 is a conservative district, you know, no, no, no, no, no,
5 but they are not so concerned about Education, but if they
6 are, they don't want to risk having taxes raised, or pay
7 more money to bonds, and so on. That was not that
8 important to them. So, their - of course, their
9 supervisor sort of holds on to that, whereas the
10 supervisor in District 5, you know, is supportive of this.

11 One other example I found out, too, is that, yes,
12 if the districts are drawn up based on communities of
13 interest, people will vote out an individual who is not
14 following the communities of interest. There was a long
15 time supervisor in this district and he was an Irish
16 person, he had been around a long time, people really sort
17 of liked him, he had a lot of political connections going
18 on. Well, he was voted out and they elected the first
19 Latino Supervisor since the turn of the Century there, not
20 because he was a Latino, but because he was sympathetic to
21 their interests. One other supervisor - and I looked at
22 some of the Minutes of the meetings and I know that,
23 during their public hearings, there was one group who was
24 very very adamant about not being in a particular
25 district. "We do not want to be in this district, our

1 Supervisor is not representing us properly." And they
2 were extremely vocal about it. And when the vote came
3 around, they found out that the Supervisor of their
4 district did not support their exit from the district and,
5 of course, the next election, they voted her out.

6 So, I concluded that this citizen drawn district
7 worked. Now, I've only looked at it over 2002, 4, 6, 8,
8 and 10 Propositions, and votes, but I think it will carry
9 over.

10 VICE CHAIR CAMACHO: Okay. So it sounds like the
11 citizens were happy with those changes and you talked a
12 little bit about, you had a liaison, or they had a liaison
13 between the Board of Supervisors and the people that drew
14 these maps. Why do you think that was important? Or is
15 it important compared to, as a State, should the
16 Commission have interactions in a liaison to the
17 Legislature?

18 MR. FREELAND: Yes, I do, because 1) they are out
19 there in the district and they really should know what the
20 people want, for one thing, and they have been through the
21 process before, and in this case they actually had to okay
22 the final district drawing, and they had some interests
23 they wanted to have taken care of, as well. And I feel
24 that they are more apt to support the Citizens
25 Redistricting Commission if they showed some effort to

1 incorporate at least some of the things that they are
2 interested in having happen there. So, in terms of having
3 the history and the knowledge, I think the Legislature
4 would have to be - you can't just dismiss them altogether,
5 because they are the ones who are out there in their
6 communities, and I don't think they should have too much
7 impact on the way to draw these lines, but having a
8 liaison with them, I think, is critical.

9 VICE CHAIR CAMACHO: Thank you. That was my last
10 question.

11 MS. RAMIREZ-RIDGEWAY: Ms. Spano.

12 PANEL MEMBER SPANO: Good morning.

13 MR. FREELAND: Good morning.

14 PANEL MEMBER SPANO: When you conducted this
15 research on this task force, I'm assuming you looked at
16 Precinct data, right, voting data? Do you feel that
17 Precinct data is necessary to consider when performing
18 State redistricting?

19 MR. FREELAND: Precinct data, you mean in terms of
20 how many registered voters you actually have, and who
21 actually turned out to vote --

22 PANEL MEMBER SPANO: Yes.

23 MR. FREELAND: -- and so on?

24 PANEL MEMBER SPANO: Yes.

25 MR. FREELAND: Yes, I believe so because it is an

1 indication of trying to determine what a community of
2 interest might be. So, for example, how would you
3 determine whether or not it is a working class community?
4 Well, you look at some data, you know, and you find out
5 the cost of living, you find out the population density,
6 you look at the unemployment rates, and so on. And of
7 course you have to look at who turns out to vote. And
8 then, later on, you might want to find out why they did
9 not turn out to vote. But Precincts are important, but
10 they're also tricky, too, right? Because a lot of times
11 these districts are a totally different kind of thing.
12 The Precinct might actually overlap into another District.

13 PANEL MEMBER SPANO: Duplication of data that you
14 would be looking at?

15 MR. FREELAND: Yeah.

16 PANEL MEMBER SPANO: When you conducted this
17 analysis, because you said you looked at how the voters
18 were voting on the Proposition vs. their representation,
19 and it seems like an extensive study to look at that. Do
20 you feel that it's reasonable that the Commission could
21 accomplish something like this?

22 MR. FREELAND: Yes, I do. Now, if there is a
23 problem with my study, it is a single case study of
24 Ventura County. Now, my next move, of course, is to add
25 up the counties. Like I was saying, they go Los Angeles

1 and Orange County, Santa Cruz County, and so on, to see
2 what happened there. In fact, I did a little preliminary
3 research on San Diego County, right, just to see, I didn't
4 write it up, but I sort of looked at it, and I looked at
5 the way they voted on propositions, and I found out, of
6 course, that, for many many many years, they have had five
7 Republican Supervisors, and somebody wanted to know, you
8 know, how can this be? Is this really working? Well, I
9 found out that at least two districts were very very very
10 liberal, and as a matter of fact, they voted, in the Obama
11 election, they voted overwhelmingly No on Proposition 8,
12 and so on. And the question was, you know, if the
13 Republicans are following their political ideology and
14 their political way of doing things, they're not
15 representing like they should. So, what is happening
16 there? And I'm thinking, although I haven't gone that far
17 yet, is it has something to do the way the lines are
18 drawn. And the lines probably could be splitting up a
19 community of interest unnecessarily. So I looked up
20 Ventura, the last Board of Supervisors actually had two
21 supervisors living in the same city, right? Because they
22 split it up so that you had a conservative representative
23 in each one of these districts where it shouldn't be that
24 way. So they actually took that city out and made it into
25 one district, which turned out to a more upper class

1 professional district, and took the working class part of
2 the district out, and linked it up with the more working
3 class district. So, I think that the -

4 PANEL MEMBER SPANO: And that wasn't done before?

5 MR. FREELAND: Right. Correct. So I think that
6 we can do the same thing here. I think communities of
7 interest are important. When you look at things like, you
8 know, compactness, it can be done within - compact. The
9 issue is on population and not Geographies. So, yeah, I
10 really do think it is possible.

11 PANEL MEMBER SPANO: When you did your study, you
12 just started looking at San Diego?

13 MR. FREELAND: Uh huh.

14 PANEL MEMBER SPANO: Was this after San Diego did
15 their initial redistricting that were appointed by the
16 Judges?

17 MR. FREELAND: Yes, this was the 2000
18 Redistricting effort.

19 PANEL MEMBER SPANO: 2000. And so you were
20 already finding some issues like that -

21 MR. FREELAND: I found those issues. And I had no
22 idea how to go in and make adjustments on, say, this 2010.
23 But if they had a study like I did, you know, some
24 activist in the community to be able to say, "This is what
25 the research shows, so we would suggest that you really

1 consider communities of interest maybe a little bit more
2 deeper than you have before, before you draw up these new
3 lines for 2010-2020."

4 PANEL MEMBER SPANO: When you were doing your
5 study in Ventura, did you go out and talk to people?

6 MR. FREELAND: Yes, I did. I talked to people,
7 but in terms of a real deep research study, I didn't have
8 the time or the money to actually go out because, ideally,
9 you know, you'd like to talk to as many citizens as
10 possible.

11 PANEL MEMBER SPANO: Yes.

12 MR. FREELAND: Because, looking at the way they
13 voted on Propositions is just an academic way of doing it,
14 you know, because some people didn't go out to vote,
15 right, for various reasons. But, yeah, I would love to be
16 able to talk to citizens. This is where, in my study, I
17 didn't have a chance to face the public; but on the
18 Redistricting Commission, I will have a chance to face the
19 public, and I can really find out some great information
20 there.

21 PANEL MEMBER SPANO: What do you think you'll get
22 out of those people that didn't participate in voting, and
23 what their interests are, knowing what you've learned
24 about the communities and how strong they are?

25 MR. FREELAND: I will find out exactly what they

1 are really concerned about. Are they concerned about,
2 say, streets, cleaning streets? Are they concerned about,
3 you know, environmental sustainability issues? For
4 example, there's one community there, which is a, you
5 know, minority working class community, where there are
6 some toxic waste situations going on over there, and they
7 neglected it. So, if I tried to fight, you know, to keep
8 various things from happening, actually fought to prevent
9 a liquid natural gas pipe from being run from off coast
10 into the communities, and they seem to target those
11 communities, so those are the kinds of things that come up
12 in situations like that.

13 PANEL MEMBER SPANO: Why do you feel - you said
14 you're going to expand your study to San Diego, Orange,
15 and -

16 MR. FREELAND: Los Angeles, if possible.

17 PANEL MEMBER SPANO: Los Angeles. Are you
18 planning to do that soon or -

19 MR. FREELAND: I would like to. I have one
20 proposal that I haven't written up yet, I'm going to write
21 it up to do that. And I'll see how that goes. I have a
22 model right now -

23 PANEL MEMBER SPANO: You have a model - is that
24 what you...?

25 MR. FREELAND: Yeah, yeah, which makes it a little

1 bit easier because all I had to do was insert the model I
2 have already there. Once I learned to look at these
3 propositions, and to go through the Board of Supervisors
4 Minutes, you know, this is where the term comes in, after
5 gathering all of this, but once you gather it, I have a
6 model to insert the data into.

7 PANEL MEMBER SPANO: Like a statistical model or a
8 data electronic link?

9 MR. FREELAND: Well, no, it's not the electronic,
10 as yet, maybe I could have someone do that for me, but no,
11 it's not, it's basically not done that way at this moment.
12 It's just a model where, you know, I pick up particular
13 Propositions, I could do them all, but I pick out
14 particular ones. For my particular interests, I've picked
15 out the environmental ones, and Education, and so on. But
16 there are many propositions. As a matter of fact, when I
17 looked at the way they voted on Proposition 11, it was
18 close all the way in the county.

19 PANEL MEMBER SPANO: In Ventura?

20 MR. FREELAND: Yes.

21 PANEL MEMBER SPANO: Did you get a chance to look
22 at it in San Diego? Just curious.

23 MR. FREELAND: No, I didn't look at San Diego, the
24 way they voted on Proposition 11.

25 PANEL MEMBER SPANO: Do you feel like a model like

1 this would be useful? I think maybe going down to the
2 Proposition level may be a little bit difficult --

3 MR. FREELAND: Yes.

4 PANEL MEMBER SPANO: -- when trying to assess the
5 lines for the statewide effort. But do you think there's
6 a way of applying your methodologies in some way to this
7 redistricting effort?

8 MR. FREELAND: I think so, especially the area of
9 public input, recording what the public wants, right? And
10 once we get a whole list of those, you know, we have to
11 record them all, then we can look and say, "Well, you
12 know, a majority of people in this district felt this way
13 about this particular issue." And that would be the way
14 to identify the communities of interest, which I was not
15 able to do in my particular study because, of course, it
16 had already happened; but this would be something new to
17 apply. And I think it could work that way. So, it's a
18 combination of things. As I was mentioning a little
19 earlier about statistics, you know, the statistics, I
20 think, has to be backed up with these new statistics that
21 we're going to gather from the public. We have to figure
22 out a way to record that data, maybe in a numerical
23 fashion, I'm not sure if it could be done, but we
24 certainly could record it in a fashion that is
25 qualitative.

1 PANEL MEMBER SPANO: Do you find that will be
2 pretty challenging to include all that qualitative data in
3 the quantitative -

4 MR. FREELAND: Well, it can be if we try to be too
5 specific. We can't record every little thing, but some
6 people are going to come up and they're going to have
7 their own individual problems. But, I think, over time,
8 we'll be able to say the majority of people want this. A
9 third of the people only wanted this. So we may have to
10 think about either not worrying about them in terms of the
11 way we draw these lines, or maybe, if this third happens
12 to be one particular area of this county, maybe we can
13 think about putting them over into this particular
14 district. You know, this is going to be a difficult
15 process. Now, ideally, of course, it doesn't work like it
16 should, ideally I would like to go in there and say,
17 "Okay, two Assembly Districts and One Senate District, 10
18 Senate Districts, and one Board of Equalization District,
19 okay, so let's do that and we'll be done." But I think
20 it's going to be a lot more difficult than that. It's not
21 going to be a situation where these lines are going to be
22 crazily drawn because people generally don't live that
23 way, people generally live in a community of interest,
24 that's why on the Supervisorial level, the people that run
25 these offices wove sort of all the way down the line

1 because they live in these communities, and they're going
2 to live in a community where they don't have an interest,
3 anyway. So, where they do will impact the way they live
4 in the community, so they're more likely to do it.

5 PANEL MEMBER SPANO: Because they're living in it.

6 MR. FREELAND: Yes, exactly.

7 PANEL MEMBER SPANO: You said early on that you
8 didn't get a chance to look at the history, right?

9 MR. FREELAND: Uh huh.

10 PANEL MEMBER SPANO: Do you find that it's
11 necessary to look at the history of redistricting when
12 looking at drawing State boundaries?

13 MR. FREELAND: Uh huh. In this case, I would think
14 it would be very important because we would like to know
15 what has happened in these districts that are supposed to
16 be politically safe. What's been the consequences? Have
17 most of the decisions coming out of these districts been
18 politically motivated? And if they are politically
19 motivated, maybe the people in the district are lucky
20 enough that what's politically expedient worked for them.
21 But in other instances, we may find out that it did not
22 work. So, we might want to have a history on what's
23 happening right now so that we can know what to do to make
24 it better, because we do want to make these districts
25 fairer and always possible.

1 PANEL MEMBER SPANO: Do you see doing something
2 like this initially as the Commission is formed, when it
3 becomes formed?

4 MR. FREELAND: Excuse me?

5 PANEL MEMBER SPANO: Do you feel that this would
6 be necessary when the Commission is formed, to do this
7 kind of task immediately, before we get the Census data?

8 MR. FREELAND: Yes, I do.

9 PANEL MEMBER SPANO: Yeah.

10 MR. FREELAND: That's right. As a matter of fact,
11 we have a little bit of time before April 1st to do this
12 history, and I think it's going to be helped by staff, we
13 should have some Historian, for example, to get this data.
14 The data may be out there, there are some individuals out
15 there in groups, for instance, maybe the - I think there
16 is the Institute for Government Studies may have this kind
17 of data, or Common Cause may have this kind of data, but
18 we're still going to need to employ individuals who are
19 going to get this history to us. Now, I'm willing, of
20 course, to do it myself, you know, and maybe other
21 Commissioners might, too. And I can relay this
22 information to them, but I certainly think it's important
23 to know what it is before we start to change because it
24 may - supposed it works out just so perfect - well, I
25 don't think it will, but -

1 PANEL MEMBER SPANO: Do you feel that some of the
2 boundaries will remain the same, maybe, in certain areas?

3 MR. FREELAND: Yes, yeah. And, you know, if I
4 find out that people are satisfied with these districts,
5 if we find out people are happy with the way it's working
6 out, then, you know, we might want to leave these
7 districts the same, at least some of them the same. But,
8 of course, there are going to be some population shifts
9 that are going to make it so they probably can't be
10 exactly the same, but they can certainly be very similar.

11 PANEL MEMBER SPANO: Do you find that there are
12 inherent flaws in the Census Data? I know you said the
13 Census Data probably in 2010 will be better than before.
14 And can you tell me your thoughts on that?

15 MR. FREELAND: Yes. The reason I think it's going
16 to be better this time is because I think there's a
17 conscious effort out there to make it better because, in
18 the past, I think there were some issues about people
19 being under-counted. For instance, you had some Census
20 workers who would not go into particular neighborhoods
21 because it was too dangerous, they felt, you know, "I'm
22 not going to worry about that," you know? "If I knock on
23 the door and there's no answer, I'm leaving quick," and so
24 on. But I think the way they did it this time, you know,
25 by sending out these forms, it's easier to fill out, you

1 know, then they were very simple forms, they weren't
2 complex forms.

3 PANEL MEMBER SPANO: Thank you. I can go on and
4 on about this, but I won't. Let's see, you said you're
5 President of Common Cause in your area.

6 MR. FREELAND: Cause, yeah.

7 PANEL MEMBER SPANO: Okay, Cause, I'm sorry. How
8 would you ensure that your role, and your work and
9 responsibilities, and the people that you are involved in,
10 in CAUSE, won't influence your decisions in drawing the
11 lines?

12 MR. FREELAND: Well, because they're work, I don't
13 think it could influence my decisions. As a matter of
14 fact, I think I could be of tremendous help because they
15 are the type of organization who invited me to organize
16 them, and they can make sure that we do public hearings
17 that they people who may not normally show up would be
18 there, because they are deeply involved in the community.
19 The people who are activists and who read the newspapers
20 and so on, they would be there, they know how to be there,
21 they've always been there. But there are some people who,
22 a lot of times, do not know, they have to be informed,
23 they have to be guided to, they have to be encouraged, and
24 they have to be assured that it's not an intimidating
25 situation to come before a Board or Commissions to voice

1 their opinion. So CAUSE - another organization like CAUSE
2 - there are several organizations up and down the coast
3 that are doing the exact same thing and can get these
4 people to the front of us, to talk about their opinion.
5 So, I don't think that's really going to be a conflict of
6 interest -

7 PANEL MEMBER SPANO: Do you feel that because you
8 have connections and you're probably well established in
9 your community, and you're recognized by other interest
10 groups, do you feel that maybe they're comfortable
11 approaching you directly, instead of going and influencing
12 you that way? Or how would you handle that if any one of
13 the people that you interact with in these interest groups
14 come forward and say, "You know, I think we ought to
15 advocate for this and consider this?" What would you do
16 in that circumstance?

17 MR. FREELAND: Well, I would listen, as I would
18 anyone else, but I would also want to make sure that I do
19 the equal amount of listening and incorporating views from
20 everyone else.

21 PANEL MEMBER SPANO: What if they did that not in
22 a public meeting?

23 MR. FREELAND: Oh, you mean like over a reception
24 or something like that?

25 PANEL MEMBER SPANO: Yeah.

1 MR. FREELAND: Well, I would, again, I would
2 listen, but I wouldn't necessarily incorporate what it is
3 because this is going to be, you know, it's 14 on there,
4 so I'll listen to what they have to say and, you know, not
5 say, "Wait, no, I can't talk to you because, you know,
6 this is a conflict of interest." I would simply listen to
7 them. I think I have the ability to be able to abstract
8 from my opinions, somebody else's influence. I don't
9 think I'm that easy, so to speak.

10 PANEL MEMBER SPANO: Do you belong to any clubs or
11 organizations or groups that would benefit you, benefit in
12 any way by you being named to the Citizens Redistricting
13 Commission?

14 MR. FREELAND: I don't think so, but I think,
15 since there is a - there seems to be an issue of
16 representation. They want someone on this Commission who
17 is going to represent essential coast ways, right? And
18 that means counties like San Benito, Monterey, Santa Cruz,
19 San Luis Obispo, Santa Barbara, and Ventura County. So,
20 they wouldn't mind having someone. I notice several
21 people from these areas that you have interviewed, so I'm
22 pretty sure they wouldn't mind have someone from these
23 areas on there to sort of - that they would feel that this
24 area would be represented. But ultimately, of course, we
25 represent the whole State, but it would make these

1 individuals in these areas feel a little more comfortable,
2 even though we may or may not do anything for them, but
3 just knowing that we were there would work.

4 PANEL MEMBER SPANO: Thank you.

5 MS. RAMIREZ-RIDGEWAY: Panelists, are there
6 follow-up questions? I have a few myself. I don't know
7 if you have any.

8 VICE CHAIR CAMACHO: I do, but I can wait.

9 CHAIR CAMACHO: I don't have any.

10 MS. RAMIREZ-RIDGEWAY: Mr. Freeland, I really did
11 want to thank you for the outreach that you did to assist
12 the office. I think that's really important to get
13 citizens involved and, as you know, it was a challenge to
14 reach out to all corners of the State, and it sounds like
15 maybe in doing so, you created some competition for
16 yourself! And that's a really selfless thing to do, so I
17 want to thank you for that.

18 MR. FREELAND: No, I thought it was great, yeah.

19 MS. RAMIREZ-RIDGEWAY: I notice that you have a
20 letter of recommendation from former member Hannah-Beth
21 Jackson and you also have a letter of recommendation from
22 Alice Huffman, who is President of our NAACP and probably,
23 I assume, involved in some lobbying activities. And you
24 also talked in your application about going to legislative
25 offices to meet with Legislators one-on-one when you

1 brought your classes up for the field trips in Sacramento.
2 And then I think I heard you correctly, please correct me
3 if I'm wrong, when you suggested that perhaps a
4 legislative liaison might be a good idea for the Citizens
5 Redistricting Commission. And about taking input from
6 folks at a reception if you saw them, I just wonder if
7 your opinion or your position on that would change if you
8 were advised that engaging in sort of legislative contact
9 would or potentially could violate the letter or the
10 spirit of Prop. 11?

11 MR. FREELAND: Oh, yes, I'm going to make that
12 adjustment. My interest in the Legislative is simply for
13 background information, on how things are going. I would
14 like to know whether or not - I guess we can find this out
15 other ways, by, of course, asking people in the districts,
16 but certainly, I'm not interested in a legislative liaison
17 to actually help draw the lines, I'm interested in the way
18 the lines are now, and what they have been doing, what
19 they have been finding out from their particular
20 constituents. So, I have no problems with eliminating a
21 liaison there because we can draw the lines without them,
22 I just thought it would be useful to have some kind of a
23 contact with them. As a matter of fact, I wasn't
24 suggesting, either that that liaison be an official
25 liaison. I was suggesting maybe, for instance, staff

1 people who were working for the Commission would go to
2 these legislatures and get some information; we might have
3 a question for these legislatures. "Is this true what you
4 did? You've got a lot of complaints from your
5 constituents. What have you been getting when you go back
6 to your district?" And so on. And maybe even ask them, I
7 don't know how objective they could be, but maybe even ask
8 them how they feel this could be made better, based on
9 what you know. In terms of former legislators, you know,
10 like Hannah-Beth Jackson, she could have something to
11 offer, as well, based on her history being a legislator,
12 as well. But, yes, I'm perfectly willing to not have any
13 contact at all with Legislators - physical contact.

14 MS. RAMIREZ-RIDGEWAY: And if counsel advised you
15 that you were forbidden from taking feedback with regard
16 to redistricting outside the confines of a public meeting,
17 would you be comfortable saying to people who may approach
18 you, "I'm sorry, I can't have this communication with you.
19 Please come to our next meeting?"

20 MR. FREELAND: I understand that part, yeah,
21 definitely, definitely. I don't really talk that much.
22 Actually, I'm talking a lot here -

23 MS. RAMIREZ-RIDGEWAY: Well, you have to!

24 MR. FREELAND: But generally I'll listen and then
25 I won't say anything. But, yeah, I understand

1 confidentiality and conflict of interest issues, yes.

2 MS. RAMIREZ-RIDGEWAY: I also read in your
3 application that you wrote some editorials about Prop. 11.
4 What generally were you writing about?

5 MR. FREELAND: Well, those editorials were about
6 the California Redistricting Commission, and I was talking
7 about how this is an important time for citizens to get
8 involved in this. This is a commission that could result
9 in fair representation for them, and that all citizens
10 should take this opportunity to apply for this Commission.
11 And that is basically what it was about. I gave a little
12 bit of history of it, you know, about what the roles were,
13 and what you could and could not have in terms of
14 qualifications, and so forth. And I believe I sort of
15 emphasized the fact that you couldn't have been a former
16 politician in the last five years, or couldn't have
17 donated so much money, and so on, so that they would know
18 that this is truly a citizens' commission, devoid of
19 Partisanism [sic]. It's going to be impartial and fair,
20 and that's what I wanted to get out there in those
21 editorials, and those Op Ed pieces, rather, they were
22 mostly Op Ed pieces. And most of the newspapers actually
23 put it in there, and there were all sorts of newspapers,
24 for instance, Santa Barbara News Press did a great article
25 on it, and that is actually owned by a Libertarian person,

1 and so on. I put in some community papers, you know, that
2 sort of was tailored towards a particular constituency,
3 you know, they may have been liberal activists, and so on,
4 but I tried to make sure that it was written in all sorts
5 of newspapers. And people seemed to be pretty satisfied.
6 I didn't get any real negative feedback. As a matter of
7 fact, the phone calls I got were all positive. They said,
8 you know, "This is great. Can you tell a little bit more?
9 How can I get this done?" And so on. And those were the
10 questions I couldn't answer, you know, I referred them to
11 anybody who could answer the questions about what they
12 needed to know.

13 MS. RAMIREZ-RIDGEWAY: I also, in reading your
14 application last night, saw that you've had interviews
15 with Voting Rights experts as a result of your Ventura
16 County Redistricting Task Force work. And I wondered,
17 what did you learn from - I mean, I don't need to know
18 everything, but generally what did you learn from these
19 people? What was the gist of the interviews?

20 MR. FREELAND: Uh huh. Well, I didn't really
21 interview anyone particular on the Voting Rights, I
22 actually teach this in my class. I think I was trying to
23 get that over. Well, coming from where I grew up, you
24 know, the Voting Rights Act was a big, big, big, big deal
25 to get the vote out, and I know there are some parts of

1 that Act, you know, Section 5, Section 2, and so on, which
2 maybe have a little bit to do with Race, but I also know
3 that it's been diluted by I believe it's -- the Act is
4 escaping me right now - but it was in 1993, the U.S.
5 Supreme Court decided that Race could be an issue, but not
6 an overriding issue. Reno vs. Shaw, I believe it was.
7 But, in any case, this is what I tell my class, is that
8 this is ensuring that there is one person, one vote here
9 and that, even if you have to consider Race, it has,
10 historically speaking, been a problem for especially
11 African Americans in terms of getting the vote. And I
12 also said that, in this Reno vs. Shaw, they did say that,
13 well, you know, Race shouldn't be an overriding factor,
14 and I agree that it shouldn't be an overriding factor
15 because you don't want - I think there's one place in
16 Georgia where it did bring all the Black people together,
17 you know, they had some little line, you know, going over
18 almost - a thin line going all up and down the State. And
19 also, too, not all African-Americans, not all Latinos, had
20 the same interests, for example. If you drew a line based
21 on Race, which was the initial idea, I believe, behind the
22 Voting Rights Act, you're going to get some various
23 interests there that may not be right. In the past, when
24 it was first drawn up, yes, you could group people
25 according to Race because a lot of the discrimination that

1 was taking place in Voting was based on Race, and so there
2 was a commonality there. But now that it's been taken
3 care of to a certain extent, we can think about other
4 things. Now, I mentioned earlier, you still don't want to
5 cut across a cultural line, if possible, but you have to
6 identify that. So, for example, I wouldn't say, "Well,
7 you know, we have to make sure that all the Asian Pacific
8 Americans are in this one District," we wouldn't want to
9 say that. But we would want to look at the cultural
10 history of this group of people that would make us put
11 them in a particular group - not identifying them as Race,
12 but identifying them as a culture that does not need to be
13 broken up, because if you break it up, you might dilute
14 the interests of the group, they might end up in a
15 district where they won't be able to vote for someone who
16 is going to represent them properly. So, this is what I
17 have about the Voting Rights Act. In terms of experts, I
18 consulted where in the textbooks and the literature out
19 there, and in journals, and so on, I can't really recall
20 talking to any particular experts, specifically about the
21 Act.

22 MS. RAMIREZ-RIDGEWAY: How do you think minority
23 communities will be affected by the Commission's work?

24 MR. FREELAND: I think they will be affected
25 positively by the Commission's work because, again, I feel

1 that we're going to be operating first on a community of
2 interest basis; and I think when you operate on that
3 basis, minority communities can benefit by the fact that
4 they know that we're interested in drawing a line up so
5 that one person, one vote, is going to work. If you draw
6 a proper line up, it doesn't matter who runs for office
7 inside those lines if they expect to win, they have to say
8 that, "We're going to do this for the community," and they
9 need to recognize that it's just not going to happen, that
10 these individuals are not going to be elected, and when
11 they go to Sacramento, they're going to be representing
12 these interests. I feel that they might have more
13 confidence in the way the lines are drawn, too, if they're
14 drawn by the Citizens Redistricting Commission, the
15 California Districts which are based on citizens. I think
16 they're going to benefit. I think that this is one value
17 of having a diverse commission, too, is that if you had an
18 all White commission, they may do something for minority
19 communities, but it might not be something they are
20 conscious of all the time, and they might miss something.
21 And also, too, when minorities look at the Commission,
22 they may come up with some stereotypical thing about,
23 "Why, they can't possibly represent us," and they may
24 mistrust the lines until a few years down the line when
25 they see it really works for them. But to have an initial

1 enthusiasm, I think they need to look at a commission that
2 is representative of the way the whole State looks, to
3 have confidence in the way the lines are drawn. So, I
4 believe they are going to benefit that way, too. They
5 will benefit symbolically on the way the Commission looks,
6 and it would benefit on the actual result, on the way the
7 lines are drawn.

8 MS. RAMIREZ-RIDGEWAY: We are almost out of time.
9 Panelists, do you have additional questions?

10 VICE CHAIR CAMACHO: How much time do we have,
11 four minutes?

12 MS. RAMIREZ-RIDGEWAY: Three minutes. Three and a
13 half.

14 VICE CHAIR CAMACHO: I have one question. Mr.
15 Freeland, just so I understand, your study was dealing
16 with voter preferences. How will you bring into account
17 individuals that cannot vote, choose not to vote, to make
18 sure that their interests are also included? Or do you
19 think they should be included?

20 MR. FREELAND: Uh huh. I really think they should
21 be included. In fact, I would hope that whoever is
22 mobilizing these individuals from these public meetings
23 will make sure that they are there so that we can hear
24 what it is that they want and need in their communities.
25 If they can't vote, they are certainly counted in the

1 Census, so they should be able to partake in some of the
2 benefits that are going to flow from the way the lines are
3 drawn, based on the Census. So, I would work it out that
4 way. And if I would go somewhere in the public hearing
5 and I happened to know about these communities, and I
6 said, "Well, where are these individuals that are supposed
7 to represent this community, that they can't vote, or
8 haven't voted, or whatever, where are they?" You know?
9 "Can we get them here, so that we can listen to them so we
10 can hear them?" I would want them to know that. But to
11 best assert, I think, that all people living in a
12 community should be represented. You don't have to be a
13 registered voter, you don't have to be a citizen, but if
14 you live in a community, you are contributing some kind of
15 way to that community or you wouldn't be there. And you
16 would contribute more to that community if you feel that
17 the community is expecting your presence. If things
18 aren't going so well, but you know that someone is working
19 on trying to make it better for you, then I think you can
20 exist in these communities a little bit better, as a
21 better community member, and so on.

22 VICE CHAIR CAMACHO: And do you think that, even
23 though the people that vote might vote one way, that their
24 representative could be somebody totally different because
25 they might be representing that population in that

1 district?

2 MR. FREELAND: Which population?

3 VICE CHAIR CAMACHO: The people in the district.

4 MR. FREELAND: Oh, the people in the district who
5 may not be able to vote and so on?

6 VICE CHAIR CAMACHO: Yes.

7 MR. FREELAND: Yes. Well, I don't think that's
8 going to be a problem if we do it right, if there's a true
9 community of interest, the people that are voting will be
10 voting for the total community, they won't be voting for
11 themselves. Now, you know, a third of the population who
12 doesn't represent a majority interest may feel there is
13 some problem, but the thing we have to do - I am saying
14 "we," but - we have to make sure that people are voting
15 who can vote because there are a lot of people in the
16 communities who do not have a problem with people who
17 can't vote, benefitting from a particular type of vote.
18 We just have to make sure the people who can vote get out
19 to vote. And I think it will work itself out as long as
20 those people who represent that third are not part of the
21 community of interest out-vote those individuals who
22 represent a majority of the community.

23 MS. RAMIREZ-RIDGEWAY: Mr. Freeland, I'm sorry I
24 have to interrupt you mid-sentence, I'm very sorry, and
25 I'm sorry you don't have an opportunity to make a closing

1 statement. But thank you so much for coming to see us and
2 we will recess until 10:59.

3 (Off the record at 10:45 a.m.)

4 (Back on the record at 11:00 a.m.)

5 MS. RAMIREZ-RIDGEWAY: We are back on record. We
6 have our next Applicant here, Victoria Aguayo Schupbach.
7 Ms. Schupbach, or Aguayo-Schupbach, I'm hyphenated, too,
8 so I know it's a challenge, are you ready to begin?

9 MS. AGUAYO SCHUPBACH: Yes, I am.

10 MS. RAMIREZ-RIDGEWAY: Please start the clock.
11 What specific skills do you believe a good Commissioner
12 should possess? Of those skills, which do you possess?
13 Which do you not possess and how will you compensate for
14 it? Is there anything in your life that would prohibit or
15 impair your ability to perform all of the duties of a
16 Commissioner?

17 MS. AGUAYO SCHUPBACH: Good morning to all of you.
18 Thank you for inviting me. Let me address the last
19 question, first. There is nothing in my life that would
20 preclude me from serving effectively on the Commission. I
21 have the interest, I have the time, and my family,
22 including my extended family, all support my decision to
23 apply and to serve.

24 In addition

25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

In addition to the threshold qualifications that I addressed in the supplemental application, analytical skills, the ability to be impartial, and an understanding of California's diversity, I think successful Commissioners also have to have an affinity, perhaps a passion, to serve the public, and to do so effectively. In addition to that, the ability to communicate effectively, to write clearly, to be a good listener, an observant listener, a good Commissioner should be able to, of course, understand complex regulations, but also be able to convey that information for the general public's understanding.

I think a good Commissioner should also have experience at hiring, at recruiting, managing, and motivating staff, as well as managing a budget. Certain personal traits, I think, are also highly desirable, such as an even temperament, collaborative disposition, and good organizational skills such that one can work efficiently and meet deadlines in a fast-paced environment. Service on the Commission is a very serious undertaking and not only must Commissioners exercise

1 reason and have knowledge, I think they also have to have
2 sort of that daily commitment and enthusiasm for the work
3 of the Commission because there will be moments of
4 excitement and intellectual challenge, but I think there
5 will also, let's be realistic, be moments that may be
6 uninspiring, and you know, require the performance of some
7 tedious tasks.

8 I believe that my 39 years as Regional Director -
9 I'm sorry, 39 years working for the National Labor
10 Relations Board, 21 of those as Regional Director in Los
11 Angeles, have provided me many opportunities to develop
12 and effectively utilize those skills. And I dealt with
13 many difficult case handling challenges, administrative
14 obstacles, and public scrutiny, including the scrutiny of
15 legislators, media, and the general public. But the
16 mission of the agency was my life's work, and the more
17 underwhelming aspects of it did not curb my enthusiasm to
18 serve the public, to do well by them, and to care about my
19 colleagues.

20 I do not possess a political advocacy or
21 redistricting experience that I believe is also useful to
22 the work of the Commission. As a Federal Executive, I was
23 precluded by the Hatch Act from engaging in a broad range
24 of political activities, and sometimes that line was not
25 clear to me and I had to seek guidance. But I was also

1 very careful to keep my social and political opinions
2 separate from my work, I didn't want to create the
3 appearance of any conflict or bias.

4 But my NLRB experience is very relevant to the
5 work of the Commission. I have experience interpreting a
6 federal statute, I know how to work within a legal
7 framework and meet statutory requirements. My role at the
8 NLRB was to ensure workplace Democracy, which included the
9 right of every worker to exercise his or her free choice
10 in an election. And I worked with the parties to broaden
11 understanding of their rights under the National Labor
12 Relations Act. And, like the Voting Rights Act, bilingual
13 election requirements, I also worked to ensure that voters
14 who didn't have English proficiency were provided election
15 materials, including ballots, notices of election, and
16 other materials, so that they could understand what their
17 rights were, and vote intelligently. The NLRB also
18 examines communities of interest when we make a
19 determination - I say "we make," as if I'm still there - I
20 still identify so much with the work of the agency - but
21 communities of interest are examined when a determination
22 as to the appropriate collective bargaining unit is made,
23 and we look at whether one group of workers, perhaps one
24 department, shares a community of interest with workers in
25 another department, so they can all participate in the

1 same bargaining unit. The case law of the National Labor
2 Relations Act is constantly evolving, so I head to keep
3 abreast of developments, and I also learned about other
4 workplace laws.

5 And in my volunteer work, I have also worked to
6 broaden participation of people in their communities, and
7 so I believe all of these skills will enable me to be a
8 very effective Commissioner.

9 MS. RAMIREZ-RIDGEWAY: Describe a circumstance
10 from your personal experience where you had to work with
11 others to resolve a conflict or difference of opinion.
12 Please describe the issue, and explain your role in
13 addressing and resolving the conflict. If you are
14 selected to serve on the Citizens Redistricting
15 Commission, tell us how you would resolve conflicts that
16 may arise among the Commissioners.

17 MS. AGUAYO SCHUPBACH: Yes. In one situation in
18 the late 1990s, I was involved in assisting an employer
19 and a labor organization in resolving unfair labor
20 practice charges that stemmed from a labor dispute. There
21 were over 100 allegations of unlawful practices, unlawful
22 practices at the workplace by the employer. We had, under
23 my signature, issued a Complaint and Notice of Hearing,
24 setting for those allegations, and set a date for trial.
25 The first day of the trial, with the Judge's approval, we

1 began our settlement discussions. The settlement took
2 over two weeks to complete, we met daily, and at the end
3 of that time, we were successful in achieving a formal
4 settlement that had a number of special remedies.

5 As Regional Director, I led the settlement
6 discussions, but with a lot of support from the staff, who
7 were at different times involved in the settlement
8 discussions and provided legal advice to me. The parties
9 were presented with the settlement, a written settlement,
10 a comprehensive settlement, and the settlement discussions
11 began with a lot of tension because there had been a very
12 aggressive campaign by the Union, there had been a lot of
13 media attention to the dispute. But, over time, as we
14 met, the parties began to soften their stance and their,
15 oh, treatment of the opposite party, I would say. We met
16 together, sometimes we met separately, I would meet with
17 the parties separately, sometimes the parties would meet
18 with each other; whatever I thought was conducive to them
19 reaching a meeting of the minds and sorting out different
20 issues, sometimes I had them meet separately to calm
21 tempers.

22 Day by day, line by line, in that settlement by
23 caucus, we reached an agreement. I helped them identify
24 areas of agreement, to identify issues, sometimes the
25 parties will not tell you whether they're willing to move,

1 and you have to kind of achieve that understanding by what
2 is not said. And so I tried to do that, as best I could.
3 Although I could have pressured them to come to a
4 settlement sooner than two weeks, and I felt the pressure
5 to do that - institutional pressure from the agency and
6 staff members, who perhaps weren't confident that we would
7 reach a settlement - I really felt it was important to get
8 it right, not to rush it, and I wanted the parties to
9 really see that their concerns were being taken into
10 account. The employer's attorney had to meet with his
11 client, who was, you know, upset about the loss of
12 business, and the Union had to meet with its supporters
13 because one of the terms of the settlement, you know, did
14 not allow for the monetary compensation employees may have
15 been expecting, but did provide for reinstatement, and
16 what I felt was a more enduring remedy.

17 In the end, the agreement, I think, satisfied many
18 interests, along with an interest that I had as Regional
19 Director, which was to try to excite the staff about
20 having greater resolve in working on difficult settlements
21 and, most importantly, a labor dispute, a costly one that
22 was resolved in Southern California.

23 I think, in addressing disputes, conflict, it is
24 important to act tastefully because it may be momentary,
25 and while it may appear personal, it may very well be

1 situational, as many conflicts are. And I really don't
2 believe in shaming anyone publicly or one-on-one. As with
3 the parties in this case, what they responded to when
4 there was a conflict was movement in the settlement
5 process and seeing that the Regional Office was taking
6 their concerns into account, and asking for movement from
7 the other side.

8 I think that, if there was conflict in the
9 Commission, that I would assess it to see just how deep
10 that conflict was, and I would reach out to the
11 Commissioners involved in that dispute, separately. But I
12 would also in the group try to identify areas where they
13 were of a like mind, and I think that usually helps
14 individuals identify with someone else, and not look at
15 the momentary conflict. I think that I would also be a
16 collaborative, cooperative, and supportive Commission
17 member, myself, and try not to get into trouble with the
18 others.

19 VICE CHAIR CAMACHO: We have about eight minutes
20 remaining. How would the Commission's work impact the
21 State? Which of these impacts will improve the State the
22 most? Is there any potential for the Commission's work to
23 harm the State and, if so, in what ways?

24 MS. AGUAYO SCHUPBACH: Well, I think that the
25 potential for harm is not as great as the potential for

1 good. There are many different expectations. First, I
2 don't think that the work of the Commission will
3 necessarily address all concerns that supporters of the
4 Proposition may have had. For instance, even if we are
5 successful in making the Districts more competitive,
6 competition itself may drive up special interest money in
7 elections, and perhaps make positions more extreme, that
8 is a possibility and I don't think that the public would
9 necessarily see that as a positive. I also think that, if
10 there is a legal challenge to the maps that we provide to
11 the Secretary of State, that the public would not see that
12 as any different and would be disappointed; however, I
13 think that if the Commission is made up of a diverse group
14 of Californians, which addresses a concern of some of the
15 original proponents of the Proposition, it is open to the
16 public, we consider the opinions of the public, and our
17 maps comply with the legal requirements, we give
18 explanations as to why we may have had to deviate from a
19 certain criteria in a given map, but I think everyone will
20 see that it is, in fact, a more fair and open process and
21 it will encourage participation on the part of citizens.
22 And that is a good thing.

23 MS. RAMIREZ-RIDGEWAY: Describe a situation where
24 you have had to work as part of a group to achieve a
25 common goal. Tell us about the goal; describe your role

1 within the group. And tell us how the group worked or did
2 not work collaboratively to achieve this goal. If you are
3 selected to serve on the Citizens Redistricting
4 Commission, tell us what you would do to foster
5 collaboration among the Commissioners, and ensure the
6 Commission meets its legal deadlines.

7 MS. AGUAYO SCHUPBACH: I was invited to
8 participate on a committee, the Regional Office Structure
9 and Managerial Discretion Committee, in 1993. This was
10 after a change in administration and was a part of the
11 Clinton Administration reinvention efforts in government
12 -- it was fostered by that, let me say that. A new
13 General Counsel who was a political appointee was arriving
14 at the agency. And this, the work of the committee, would
15 provide recommendations to the new General Counsel. I was
16 one of 12 Field Office Managers, Regional Directors, and
17 there was a Chair from Headquarters.

18 The substance of the Committee's work is not so
19 important to me as the process and what I learned from it.
20 I was not a Junior Director, but I felt like it at the
21 time, and I was among a lot of more senior Directors who
22 were very highly thought of. And I learned from it
23 because I think the Chair was so adept at allowing
24 brainstorming and creative thinking, and allowing everyone
25 to speak their mind, not just those with more seniority,

1 or established reputations, and this encouraged me. And I
2 also learned from the different personalities. Some
3 inspired me and I wanted to emulate that, I wanted to
4 utilize some of what I saw in them as a Regional Director,
5 leading the staff and in working with the parties. So, I
6 did not have a leadership role on that committee, but I
7 felt like a full participant on the Committee. We
8 prepared a written report, we met the deadline, and it was
9 on the General Counsel's desk when he arrived. The NLRB
10 has a culture of efficiency and quality work, and so I
11 worked with deadlines every day of my working life. And
12 sometimes, you know, I have to say that I resented them,
13 but nevertheless, I did work within those deadlines, while
14 at the same time trying to achieve quality of work. So, I
15 believe that I would be able to employ that, as well.

16 MS. RAMIREZ-RIDGEWAY: A considerable amount of
17 the Commission's work will involve meeting with people
18 from all over California who come from very different
19 backgrounds and very different perspectives. If you were
20 selected to serve on the Commission, tell us about the
21 specific skills you possess that will make you effective
22 in interacting with the public.

23 MS. AGUAYO SCHUPBACH: Yes. Since a very early
24 age, I wanted to help others and work for the public and
25 that may have been inspired, probably was inspired, by my

1 parents in their own humanity and compassion. And they
2 also respected, as immigrants, the institutions of the
3 country and the Democracy that they perceived was afforded
4 to all citizens. I began my volunteer work very early in
5 life, in high school, I worked at nursing homes, at an
6 orthopedic hospital, at a Red Cross Blood Bank, and I have
7 an early experience working for the federal government
8 while still in high school. And, of course, I have 39
9 years of experience with the NLRB and my recent volunteer
10 experience in the City of Arcadia. But, I think what I
11 learned from my various volunteer and public service work
12 was that everyone responds to a different way of
13 communicating and requires different resources, and are
14 motivated to excel by different things, or to work well by
15 different techniques.

16 Throughout my public service career, I developed
17 different resources and outreach tools to educate the
18 Labor and Employment Bar in Los Angeles. I worked with
19 the County Bar Association to put on programs for Labor
20 Lawyers. I also addressed concerns of Labor Union
21 Officials by meeting with them and addressing concerns and
22 perceptions that the NLRB did not care sufficiently about
23 workers, and I also worked to hire a diverse staff that I
24 felt would look like the communities that we served, would
25 be able to identify with them, that had the language

1 skills necessary to do that, bilingual skills, and I
2 assisted the agency with many efforts to translate agency
3 documents and manuals, including the Bilingual Guide, *Dos*
4 *Lenguas, Una Ley, Two Languages, One Law*, it is a
5 comprehensive guide utilized by the NLRB to this day.

6 MS. RAMIREZ-RIDGEWAY: Mr. Ahmadi.

7 CHAIR AHMADI: Thank you. Good morning, Ms.
8 Schupbach.

9 MS. AGUAYO SCHUPBACH: Good morning.

10 CHAIR AHMADI: You mentioned in your application
11 also a lot of experience reaching out to communities and
12 trying to be balanced in your approaches. Well, let me
13 start with this question, when a Regional Director of
14 NLRB, you said that you personally had to ensure that all
15 your actions reflected a lack of bias for either side.
16 Can you think of some examples or types of cases where
17 there was a danger of appearing biased?

18 MS. AGUAYO SCHUPBACH: I can recall one example of
19 a fairly junior attorney who may not have been biased, but
20 his actions would have led the employer's attorney to
21 think that he was, and what I recall from that is the
22 language that he used in communicating with the employer's
23 attorney, including letters that he sent to the attorney
24 that I felt were confrontational, and were not conducive
25 to an impartial - to a perception of an impartial

1 investigation. And there were more incidents like that
2 due to a lack of experience, or perhaps the requisite
3 diplomatic skills, that I addressed. And, you know,
4 sometimes those things are very difficult to teach. Some
5 of the staff felt that, because we were advocating for
6 workers' rights, that that meant, in defense of the
7 workers' rights, we could during an investigation display,
8 perhaps, the advocacy that an attorney representing Labor
9 or Management might display. And I think that it's
10 important for NLRB personnel to be able to display
11 impartiality at all times, a fairness, if you will. You
12 know, a skill at writing things in such a way that didn't
13 elevate a conflict or hurt the NLRB's reputation.

14 CHAIR AHMADI: Okay, thank you. You also
15 mentioned in your application that your office took
16 aggressive steps to hire staff that reflected the
17 community served to ensure personnel bilingual skills.
18 Can you describe some of the techniques that you used for
19 outreach and recruiting?

20 MS. AGUAYO SCHUPBACH: Well, we participated in a
21 number of career fairs at California State University, Los
22 Angeles, which has a very diverse complement. One of the
23 events I attended there, I remember that one of the school
24 officials talked about how many countries represented the
25 ancestry of the student body, and it's amazing. We also

1 attended career fairs or orientations at different law
2 schools. We were guests or invited by the Black Student
3 Lawyers Association to attend their orientation - I'm
4 sorry, their career fairs. I was also asked by the agency
5 to attend a conference by the Hispanic National Bar
6 Association and, not only did they have their separate
7 meetings, they also had a career fair as part of their
8 convention in Chicago.

9 We advertised, if you will, through our
10 discussions with some of the practitioners. We let them
11 know if there were vacancies, and that usually led to
12 people calling us. We also emphasized the need for
13 bilingual skills. And when I left, I believe that over
14 half of our professional staff, including two Managers,
15 myself included, were bilingual in Spanish, and we were
16 also able at different times to get individuals who spoke
17 some Korean and Mandarin. So, those are just a few of the
18 examples that we used.

19 CHAIR AHMADI: Okay, thank you. On a broader
20 scale, I mean, taking it out of this personnel kind of
21 recruiting efforts and outreach, on a broader scale from
22 your life experience, can you tell us about your
23 experience reaching out to underrepresented communities
24 other than the Spanish speaking communities, for example?

25 MS. AGUAYO SCHUPBACH: Yes. Well, in my community

1 of Arcadia, the City where I live, I am currently working
2 as a volunteer tutor at the Library for a program that
3 provides English conversational skills. And the vast
4 majority, I would say maybe all but two of the possibly
5 100 students, are from Taiwan, China, one person in my
6 group is from Burma and Korea, so most of them are of
7 Asian ancestry, all of them are immigrants. And so, I
8 didn't do that recruiting, the system was in place when I
9 was there, but I've worked closely with my five to six
10 students in trying to get them to achieve a level of
11 proficiency that gives them confidence to participate in
12 city life, and vote to address day to day issues for
13 themselves and their children.

14 CHAIR AHMADI: You mentioned that all of them were
15 immigrants?

16 MS. AGUAYO SCHUPBACH: Yes, uh huh, all learning
17 English.

18 CHAIR AHMADI: Yes, thank you. Could you tell us
19 about your experience when - I believe you performing as
20 an Arbitrator?

21 MS. AGUAYO SCHUPBACH: Yes, on one occasion I
22 performed as an Arbitrator.

23 CHAIR AHMADI: Could you please share some details
24 with us about your involvement?

25 MS. AGUAYO SCHUPBACH: Yes. Early this year, I

1 was contacted by some parties involved in a Labor dispute
2 in Oakdale, California. It's a hospital and last year the
3 Union of Steelworkers had organized the employees and
4 requested recognition of the employer. The employer took
5 the position that it wanted an election and wanted the
6 employees to vote, and so they called upon me to, first,
7 be a Hearing Officer, so to speak, to address issues
8 relating to what the appropriate bargaining units were.
9 The Union originally took the position that one overall
10 unit was appropriate and the employer disagreed. There
11 was also an issue as to whether professional employees,
12 Nurses, would be in the same unit with non-professional
13 employees, and so that was another issue. And so I did
14 open the hearing, but regrettably, the parties were not of
15 a like mind as to what the specific issues were. But,
16 subsequently, the parties reached an agreement to have an
17 election and I supervised that election in July, over a
18 two-day period, over 200 employees voted, we had two
19 separate units, the hospital employees and the care center
20 employees, and professional employees voted whether to be
21 included with non-professional employees. I prepared all
22 the ballots, I suggested to the parties that they utilize
23 materials that I was familiar with from working at the
24 NLRB, that would get the word out as to the election date,
25 time, who was eligible, to broaden participation in the

1 election. And the Union was certified in one location,
2 but not in the other. Okay?

3 CHAIR AHMADI: Thanks again.

4 MS. AGUAYO SCHUPBACH: Sure.

5 CHAIR AHMADI: A quick follow-up on your response
6 to standard question 2, your example that you shared with
7 us, this employer who had over 100 allegations, and my
8 apology for, you know, the successful settlement that you
9 mentioned. Could you tell us about - I don't know if it's
10 legal permissible, who was this employer, and what was the
11 demographics of the people or employees who were affected?

12 MS. AGUAYO SCHUPBACH: I would rather not disclose
13 the name of the employer or the Union.

14 CHAIR AHMADI: That's fine.

15 MS. AGUAYO SCHUPBACH: I would say that the large
16 majority of the employees were Latino.

17 CHAIR AHMADI: Okay, thank you so much. You
18 received an award in 2000 as stated in one of the letters
19 of recommendation from Ms. Purcell.

20 MS. AGUAYO SCHUPBACH: Yes.

21 CHAIR AHMADI: And this award was from La Prensa
22 and California Legislator for your service for the
23 Hispanic community.

24 MS. AGUAYO SCHUPBACH: Yes.

25 CHAIR AHMADI: Congratulations.

1 MS. AGUAYO SCHUPBACH: Oh, thank you.

2 CHAIR AHMADI: Could you tell us a little bit more
3 about that?

4 MS. AGUAYO SCHUPBACH: Yes. I think it was really
5 the result of perhaps some lobbying by someone who thought
6 highly of me, but nevertheless, I was very gratified to be
7 recognized as one of maybe four or five individuals who
8 received an award from La Prensa Hispana, which serves the
9 Palm Springs area and Imperial Valley and Riverside,
10 excuse me. So, the award was really a recognition of work
11 that we had accomplished on behalf of both the community,
12 that community, and a doctor received an award, I don't
13 remember who else did, but I was among that group. And at
14 the same time, I received a certificate from California
15 Legislators and recognition of the same work.

16 CHAIR AHMADI: Kind of like a different subject
17 here, but do you have any interactions with the
18 Legislators?

19 MS. AGUAYO SCHUPBACH: No, I do not. I mean, the
20 only interaction that I ever had with legislators at the
21 NLRB was to respond to questions they had because a
22 constituent, an employer, or a Union, or a worker may have
23 complained about the Region, what it was or was not doing,
24 and so that was the contact that I had with them. On
25 occasion, I did meet with some - with a Congresswoman, a

1 U.S. Congresswoman, but that was really the only - and
2 that was concerning a case that she was very worried
3 about, and I gave her the facts and the documents, and
4 hopefully that resolved her concerns.

5 CHAIR AHMADI: When was that meeting with the
6 Congresswoman?

7 MS. AGUAYO SCHUPBACH: That was actually the
8 Secretary of Labor, Hilda Solice, and that would have
9 been, oh, my goodness, let me say it was probably in the
10 mid 1990s, maybe late 1990s, and I happened to be at a
11 fundraiser and she was there and asked about - when I was
12 introduced to her, she asked about that case.

13 CHAIR AHMADI: Any recent interactions with any
14 Congress people?

15 MS. AGUAYO SCHUPBACH: No, no. I think I still
16 have that mentality that I have to keep things separate,
17 but, no, I really haven't had occasion to speak to anyone.

18 CHAIR AHMADI: Okay, thank you so much. No more
19 questions.

20 MS. RAMIREZ-RIDGEWAY: Ms. Camacho.

21 VICE CHAIRMAN CAMACHO: Thank you. How about if I
22 say just your one last name, Schupbach?

23 MS. AGUAYO SCHUPBACH: Yeah, that's fine.

24 VICE CHAIR CAMACHO: Thank you, it helps me out.

25 MS. AGUAYO SCHUPBACH: Okay.

1 VICE CHAIR CAMACHO: What steps would you take to
2 establish Commission outreach efforts across the State to
3 contact parties interested in providing redistricting
4 information?

5 MS. AGUAYO SCHUPBACH: Well, I think, first off, I
6 would try to come up with a plan for outreach with other
7 Commissioners, one that would get broad word out to not
8 just groups, but individuals. And it might be something
9 like what the Census Bureau does, where it sends out
10 volunteers to communities. I know someone from the U.S.
11 Census Bureau came in to the Library to talk to the
12 students about the U.S. Census, it might be something like
13 that. And then I think prepare - or I think the
14 establishment of a Website for the Commission, and sending
15 out notifications to partner organizations, individuals
16 that had been submitting suggestions to you; but I think
17 it would extend beyond that. I also thought that members
18 of the Commission who have ties to their own communities
19 could serve as Ambassadors for the Commission's work, and
20 I certainly would be very happy to go out into my
21 community, I mean, the entire San Diego Valley, and San
22 Diego, to talk to different groups about the work of the
23 Commission, to let them know that we would be having
24 public hearings and encourage them to get involved and
25 identify individuals, groups that would address the

1 Commission at public hearings. So, I think that just
2 different handouts, as well, that could be distributed at
3 libraries and schools, adult schools, high schools, I
4 mean, I can think of so many things, but those are some of
5 the ideas that I have.

6 VICE CHAIR CAMACHO: Okay. With the handouts, if
7 you were Commissioner, that you would suggest to be
8 provided, what kind of content do you think would be handy
9 to have in this?

10 MS. AGUAYO SCHUPBACH: Uh huh, well, I think,
11 first, a brief summary of what the Commission's work is
12 and what the goals are, and I assume the Commissioners
13 would also be discussing what would be covered, what
14 information we would need at public hearings, and you
15 know, a list of that information, and you know,
16 encouraging them to contact perhaps one of a number of
17 partner organizations, or the Commission itself, if it
18 wanted to, if that individual or organization wanted to
19 participate at a public hearing, so that we would provide
20 the time for them to do that. And I think that, before
21 that, that I'd certainly like to get the thoughts of other
22 Commissioners if I'm selected for the Commission, to see
23 what they felt should be written into a handout. But, I
24 mean, it would depend on who you're trying to get that
25 information to and it might be a one-sheet flyer would

1 work in one situation, and something perhaps - public
2 remarks to an organization might work in another.

3 VICE CHAIR CAMACHO: You talked about including in
4 this handout maybe a preparatory for the public on what
5 the Commission would need. Have you thought about what
6 you would like to gain from these public meetings and
7 would be helpful to the Commission?

8 MS. AGUAYO SCHUPBACH: Uh huh. Well, I think that
9 I would want - you know, I think I would want perhaps a
10 public official in the area where we might be having a
11 public hearing, or various public officials representing
12 different communities or cities, to talk about the
13 interest of that city, the political boundaries, the
14 institutions that they have. And I would also want
15 testimony from citizens, some citizens who are actively
16 engaged in civic life day-to-day, but, in addition, I
17 would try to reach out to individuals who normally haven't
18 participated in civic life and want to. So, I would want
19 them to share their story about what's important about
20 where they live and what they - I know it doesn't sound
21 very concrete - but I think I would really want to get
22 their view of what they need from their Legislator, and
23 what's important to them and their community.

24 VICE CHAIR CAMACHO: Okay. You state in your
25 application that, in your volunteer activities, you worked

1 to empower individuals. Please describe those volunteer
2 activities, and how might the Commission's work empower
3 people?

4 MS. AGUAYO SCHUPBACH: All right. Well, my
5 volunteer activities, for instance, when I was assisting
6 the Mexican-American Alumni Chapter, Cal State LA, I
7 worked on the Scholarship Program, and I heard stories
8 from college students who were in financial need and, you
9 know, assisted them with achieving their dream, and I also
10 attended orientation programs to share my story with
11 students who were just beginning their college education
12 and planning their future. Now, I think that's empowering
13 to have someone who attended the same university and, you
14 know, took a long time to complete her degree because she
15 was working full-time like many of the students at Cal
16 State LA do, that that is empowering to hear from someone
17 who feels they've succeeded and achieved their dream. I
18 also worked with public servants, with individuals from
19 other government agencies, who were selected by the
20 Federal Executive Board to participate in a Management
21 Development Program, and they interviewed me and I told
22 them about my experiences, and the vast majority of those
23 were women, and I think I was selected to be the mentor
24 because I'm also a woman, but I'm sure that there were
25 young men who were being mentored by women, as well. And

1 I thought that it helped them dream big, you know, just
2 think that they could, you know, move ahead in their
3 agency, or in another federal agency.

4 And in my current volunteer work with the
5 students, who are all adults and some of them are elderly,
6 my age or a little bit older, and a couple are young and
7 have young children, but I think I've empowered them
8 because I'm not just teaching them to learn English, but I
9 hope I'm teaching them to feel confident, I'm teaching
10 them how to write, as well, because I think all those
11 skills are necessary when you're learning a language, and
12 it increases their confidence. I wanted them to feel
13 comfortable to go out into their communities to speak
14 English to their neighbors, to, if they have a problem
15 with a Government agency, to be able to address that, to
16 talk to their insurer about any problems that they have,
17 and you know, the day-to-day problems that many immigrants
18 encounter, people who were not yet comfortable speaking
19 English because, as I said to someone who called me
20 yesterday from the Bureau of State Audits, it can take a
21 few years to learn a language, but it really takes a
22 lifetime to become articulate and eloquent at it, and some
23 people don't feel comfortable using a second language
24 until they achieve that. And many of my students are very
25 hard on themselves, but I want them to be able to go into

1 a store and, if they encounter the disdain or impatience
2 of a salesperson, like my parents did, that I want them to
3 be able to say, "Excuse me, please be patient with me, I
4 am studying and trying to learn English, but I need your
5 help." And I don't think that a person, any human being,
6 can just appreciate that. And I think that everyone needs
7 to be patient with a language learner. And I think when
8 they hear me say that, that it makes them feel like
9 someone understands that they can do it. I also tell them
10 not to worry so much about their accents because a lot of
11 them do, that I say we all have accents, there are
12 regional accents all over the United States, and that
13 doesn't mean you don't speak the English well. So I tell
14 them, so long as you can be understood, don't worry about
15 the accent so much, just worry about knowing that you can
16 say it, that you can be understood, and that you can
17 understand what the other person is telling you.

18 VICE CHAIR CAMACHO: How would that knowledge
19 empower you or the Commissioner to empower the people of
20 California?

21 MS. AGUAYO SCHUPBACH: How would that knowledge -
22 well, I think that, as a member of the Commission, that I
23 would be able to appreciate, 1) the experiences of people
24 in the State of California, many different communities,
25 and that my encouraging them to participate in the process

1 by different means, you know, when I'm at a public
2 hearing, or when I'm getting the word out about an
3 upcoming hearing or the work of the Commission, I think
4 that invitation and that enthusiasm for the work would
5 encourage them, just as my work with my students has
6 encouraged them. So, I think that it's a process that
7 begins with the Commissioners and their ability to connect
8 with the public, and the public in turn sensing that,
9 knowing that and responding to that outreach.

10 VICE CHAIR CAMACHO: Thank you. That was my last
11 question.

12 MR. RAMIREZ-RIDGEWAY: Ms. Spano.

13 PANEL MEMBER SPANO: Good morning.

14 MS. AGUAYO SCHUPBACH: Good morning.

15 PANEL MEMBER SPANO: You mentioned earlier about a
16 situation with the another attorney, I believe -

17 MS. AGUAYO SCHUPBACH: Yes.

18 PANEL MEMBER SPANO: -- and how his communications
19 were confrontational. And what were - did demographics
20 and differences, if any, play a part in this with the
21 opposing counsels?

22 MS. AGUAYO SCHUPBACH: I don't think it did in
23 this instance. I don't think that had anything to do with
24 it, I think that it really was the youth of the individual
25 and, in part, his personality, but I don't - I mean,

1 certainly age is a part of demographics, and he was
2 dealing with a seasoned practitioner, and sometimes that
3 posed a conflict for newer employees because the
4 practitioner might often say, upon learning the individual
5 is new, as they usually did because they would know
6 everyone who worked in the region, "How long have you been
7 with the Board?" "Well, I used to work with the Board."
8 And sometimes that was intimidating, I think, to the new
9 professional, and sometimes I think the practitioner did
10 not intend to use that as a tool to intimidate, that was
11 just making conversation, but sometimes it probably was a
12 little bit, so that may have played a part, lack of
13 experience may have played some tension. And certainly,
14 when I was new at investigating cases, I encountered many
15 situations like that where I was told they wanted to talk
16 to a man, or your boss, because I was at one election, I
17 was running the election with a male Board agent, and I
18 was a senior Board agent, and I was asked if I was his
19 secretary. Or, I was told, even as Regional Director,
20 that, you know, someone wanted to talk to the man in the
21 office, just different things like that. And I think that
22 I - I tried not to react to that, I tried to understand
23 where this person might be coming from, you know, maybe a
24 different time, thought that doesn't make it necessarily
25 appropriate. But even when I asked for the behavior to be

1 altered, I tried to do it in a diplomatic, polite fashion.

2 PANEL MEMBER SPANO: I understand where you're
3 coming from. Do you find it's really important to have a
4 diverse background, whether it is demographic background,
5 or a geographic, educational, socioeconomic, and really
6 having solid diplomatic skills as they do something like
7 the Citizens Redistricting Commission work?

8 MS. AGUAYO SCHUPBACH: Well, yes, I think it is
9 beneficial to have for the Commission to be made up of a
10 diverse complement, certainly it can only enhance the work
11 that we do, and the different experiences will enrich each
12 Commissioner's experience, I think, but also just appeal
13 to more Californians. I think diplomatic skills are, I
14 mean, I think that is really essential to the work. And,
15 you know, not everyone has that, but that doesn't mean
16 they're not effective because, in my office, we had some
17 people who had those skills and others who had other
18 skills that were also very effective, you know, in
19 accomplishing settlements. I think different approaches
20 can work. But diplomacy always helped me, so I've used
21 it.

22 PANEL MEMBER SPANO: Right. In your tutoring of
23 the different backgrounds and ethnicities in the students,
24 and maybe - and you said there were adults, too -

25 MS. AGUAYO SCHUPBACH: Yes.

1 PANEL MEMBER SPANO: -- do you feel that having
2 that language barrier, learning English and having a
3 foundation in their original heritage, do they find it
4 really hard to communicate? Not that they don't speak
5 English, but the meanings behind the translations and
6 trying to get across what they have, how important is it
7 to you to have maybe translators at these meetings or for
8 outreach, in trying to get their understanding of their
9 interests?

10 MS. AGUAYO SCHUPBACH: I think it's very
11 important. And I mean, at the NLRB, for instance, when we
12 had trials or hearings, and the witnesses were Spanish
13 speaking or, you know, native Spanish speakers, or native
14 Mandarin speakers, even if they could communicate in
15 English, and had given an affidavit in English, let's say,
16 they were able to read and sign their statement, we would
17 utilize an interpreter because they were more comfortable
18 testifying in a formal setting, before an Administrative
19 Law Judge, in their native tongue. Sometimes the Judges
20 felt, well, that's kind of inconsistent with the fact that
21 they gave an affidavit in English, and you know, I tried
22 to sensitize Judges to the fact that, you know,
23 individuals are going to be more comfortable in their
24 first language most of the time, and if you want the
25 meaning, then I think it is important to have.

1 PANEL MEMBER SPANO: Better way of soliciting
2 information that way?

3 MS. AGUAYO SCHUPBACH: Yes, yes.

4 PANEL MEMBER SPANO: You stated that you developed
5 earlier the first comprehensive English speaking Bilingual
6 Guide, and that is still in use in the NLRB. Can you tell
7 me a little bit about this and how something like this may
8 help the Commission work?

9 MS. AGUAYO SCHUPBACH: Sure. It's a manual. For
10 many years, Bilingual Board Agents across the agency had
11 their own little set of tools, their own little mini-
12 dictionary, for dealing with witnesses, taking affidavits.
13 I myself had done that when I was a Board agent, I had my
14 own tools when I was taking an affidavit in Spanish, and I
15 need to refer to a specific term. So, I would use, you
16 know, different sources. So there were just a wide
17 variety of tools that were being used, translating job
18 classifications, for instance. We translated job
19 classifications when, for notices of election, where the
20 appropriate unit is set forth, or it could be any number
21 of terms, workplace terms. And so, what was decided at
22 the urging of several bilingual directors, is that it was
23 time to do something comprehensive, and I volunteered to
24 take charge of that work. I had two very competent
25 language clerks at the time, who were very enthusiastic

1 about this work, and together with Chicago and the Puerto
2 Rico office, we collected all of these different tools
3 being utilized by bilingual board agents across the
4 nation, and we organized them into a manual. This manual
5 has translations of job classifications, terminology that
6 you would use at an election, for instance. If a voter is
7 challenged, because one of the parties believes the
8 individual is not eligible to vote, there's an explanation
9 given to that voter as to the challenged ballot procedure,
10 and it's very important that that be done right because
11 some voters are offended that they're being challenged, so
12 language for the challenged ballot procedure. Language
13 that is used - translation of a letter that goes out to
14 individuals after they've been alleged in a complaint to
15 be Discriminatees, we send out a letter that asks them to
16 keep records of their search for employment. Well,
17 different components of investigations, representation
18 matters, were compiled in this one manual, and it's on the
19 Website now, and if an agent wants a translation for
20 "Licensed Vocational Nurse," you just click on it and it
21 gives you the translation in Spanish. That's just one of
22 many things that it can do. And it can be used by other
23 government agencies. For instance, the Agricultural Labor
24 Relations Board, which has a similar mission.

25 PANEL MEMBER SPANO: How many boards did you

1 consult with?

2 MS. AGUAYO SCHUPBACH: How many Board Agents?

3 PANEL MEMBER SPANO: Yeah.

4 MS. AGUAYO SCHUPBACH: Well, there are 32 Regional
5 Offices and we sent out an e-mail to everyone who was
6 interested in giving us anything that they had put
7 together. In the case of some Board agents, they had a
8 one-page piece of paper that they used, and we considered
9 it all and tried to organize it in a usable way.

10 PANEL MEMBER SPANO: How long did this take again?

11 MS. AGUAYO SCHUPBACH: It took a very short amount
12 of time.

13 PANEL MEMBER SPANO: A short amount of time?

14 MS. AGUAYO SCHUPBACH: I mean, relative to the
15 preparation of other manuals, it took a very short amount
16 of time. I think it took - I believe six to nine months.
17 And during that time, I was out of the country, but still
18 working on it.

19 PANEL MEMBER SPANO: You still worked on it out of
20 the country?

21 MS. AGUAYO SCHUPBACH: Yeah, oh, yeah.

22 PANEL MEMBER SPANO: Can you tell me, as a Field
23 Examiner, what your most complex investigation was and
24 what were the challenges?

25 MS. AGUAYO SCHUPBACH: Uh huh. I think one of the

1 most complex investigations that I had was one that I had
2 early in my career, and that's what made it complex for
3 me, that I was new, and also, the parties, you know, had a
4 history of contentiousness. And the case, it was an
5 unfair labor practice charge that alleged that the
6 employer had discriminatorily laid off a group of workers
7 discriminatorily because they supported the Union, and it
8 was alleged that these individuals were laid off for their
9 Union activities.

10 During the course of the investigation, there was
11 evidence presented that the employer had animus towards
12 the Union and the Union adherence. They were asked about
13 their Union activities, they were threatened with
14 retaliation, they were captive audience meetings where
15 threats were made, but the evidence disclosed facts that
16 the employer was in fact in an economic slump, it was
17 losing work, and that it had a legitimate reason for
18 laying off individuals. So, then, we went to the next
19 step and that was whether the selection of those
20 individuals who were laid off was discriminatorily
21 motivated and that was also difficult to prove because, 1)
22 the employer had never had a lay-off before, and rarely
23 terminated employees for misconduct, or any other reason,
24 and had really no records of a past practice with regard
25 to termination of employment; but what it did present was

1 evidence that the individual who made the determinations -
2 excuse me, that the supervisors, the first line
3 supervisors, were the ones who made recommendations as to
4 who should be laid off based on a number of factors,
5 whether they were the best, the most senior, I really
6 can't recall the criteria, but they were the ones that
7 made the recommendations for lay-off. The individual who
8 made the unlawful statements was not that decision-maker.
9 So, it made it very difficult to prove that the selections
10 were unlawful. Now, it was difficult for me because the
11 evidence of animus was certainly there, but we were unable
12 to demonstrate that the individuals had, in fact, been
13 laid off for unlawful reasons, or selected for unlawful
14 reasons.

15 PANEL MEMBER SPANO: Is a Field Examiner, like in
16 this case, is it really hard to remain impartial if you
17 don't have solid evidence?

18 MS. AGUAYO SCHUPBACH: I never thought that
19 impartiality was difficult. I mean, to me, the law is
20 what it is, and there's a standard that must be met, and
21 certainly, you know, I would feel for workers when they
22 were let go and for individuals who were let go from their
23 jobs without any Union activity; I just don't like to see
24 that happen to any individual. But, you know, I always
25 felt that, if I conducted the investigation in an

1 impartial, complete manner, I did the legal research, that
2 I was able to explain the reasons to the charging party,
3 or where a decision of merit was made, I could - I was
4 very comfortable in explaining the reasons to the charged
5 party.

6 PANEL MEMBER SPANO: Thank you. Have you
7 participated on any committees or commissions with brand
8 new start-up - a project that hasn't been done before,
9 like the Redistricting Commission?

10 MS. AGUAYO SCHUPBACH: I participated on one
11 committee that perhaps was new in that, again, it was
12 during the era of reinvention - government reinvention
13 back in the early 1990s, and there were various committees
14 formed where participants were regional managers and
15 representatives of the Union that represents NLRB workers.
16 So, these partnership committees were formed to address
17 different issues. And so I think that's new in the
18 approach, although the subject matter may not have been
19 new, the subject matter in that case was clerical
20 restructuring and I believe I was asked to participate
21 because I began my career as a secretary with the NLRB.

22 PANEL MEMBER SPANO: How do you propose seeing
23 yourself in your role as a Commissioner if you're
24 selected?

25 MS. AGUAYO SCHUPBACH: How do I see myself?

1 PANEL MEMBER SPANO: Yeah, what role do you think
2 you see yourself playing? I know Commission members
3 haven't been selected yet, but I'm just curious.

4 MS. AGUAYO SCHUPBACH: I think, first and
5 foremost, I see myself as a public servant and someone who
6 is serving the interests of the California public. I see
7 myself as someone who will broaden their understanding of
8 the Commission's work and try to reach as many people as
9 possible, and because I would be doing the public's work,
10 I feel that I would need to demonstrate complete
11 impartiality, integrity, and work very hard for the
12 people.

13 PANEL MEMBER SPANO: And in your work experience,
14 have you worked in conducting complex analyses where you
15 had to apply law and maybe qualitative information in your
16 decision-making?

17 MS. AGUAYO SCHUPBACH: Uh huh. Well, I think in
18 the investigation of unfair labor practices that there
19 were cases that required review of employer financial
20 data, where they were urging that they had economic
21 reasons for letting employees go, or for shutting down a
22 department, and I've also reviewed payroll records,
23 personnel records, made comparison of those records where
24 I was investigating whether the employer had adhered to
25 its past practice in making employment decisions. And

1 payroll records, as well, when I worked as a Compliance
2 Assistant, calculating back pay owed to Discriminatees.

3 PANEL MEMBER SPANO: Thank you.

4 MS. AGUAYO SCHUPBACH: You're welcome.

5 MS. RAMIREZ-RIDGEWAY: Panelists, do you have
6 follow-up questions?

7 CHAIR AHMADI: I don't.

8 MS. RAMIREZ-RIDGEWAY: Ms. Spano hit a little bit
9 on the start-up issue that was running through my mind as
10 you were talking, I am really impressed by the fact that
11 you are a person who first started at the lower end of the
12 ladder and really achieved greatness in your personal
13 career.

14 MS. AGUAYO SCHUPBACH: Thank you.

15 MS. RAMIREZ-RIDGEWAY: And with that experience,
16 in having served at the support end and at the top
17 managerial end, and it kind of sounds like much in
18 between, what are your thoughts about this Commission's
19 first 30 days and the things that you as a group will need
20 to accomplish in that time if you are appointed?

21 MS. AGUAYO SCHUPBACH: Well, I think the first 30
22 days are really critical because I think it will either
23 bode well or not for the future work of the Commission, an
24 completing the work on time. I think those 30 days are an
25 important opportunity for Commissioners to get to know

1 each other, and I assume that, once Commissioners are
2 selected, if I were to be selected, I would learn
3 everything I could about my fellow Commissioners, not
4 learn about them on paper, as I have been doing,
5 personally, but I haven't been able to do it with 120 yet.
6 And then I think that it would be important to receive
7 guidance and to be educated on the legal requirements of
8 the Voting Rights Act, and the Voters First Act, but then
9 I also think that we would need to sit down to talk about
10 - to set forth a deadline, different deadlines for
11 accomplishing the work, for beginning outreach and the
12 types of outreach, and the public hearings, and where
13 those hearings would be held, and to do brainstorming as
14 to how we could do all of this work, I mean, I think that
15 probably should be done in the first week when the entire
16 Commission is composed, and the hiring that needs to be
17 done. How will recruitment be done for these positions?
18 So, I think there would just be so much to be done during
19 those first 30 days, and I think probably the first day,
20 we would want to sit down and, you know, talk about what
21 we hope to accomplish during those first 30 days.

22 MS. RAMIREZ-RIDGEWAY: How does California benefit
23 from having its diverse population participate in the
24 electoral process?

25 MS. AGUAYO SCHUPBACH: Well, I think that if the

1 diverse population of California gets to participate in
2 this process, we will be hearing from more communities of
3 interest, from different - we will be hearing about
4 different interests and issues that are important to the
5 State of California, and that is a very important
6 component of redistricting. And I think that experience
7 for our diverse population empowers them, that they will
8 feel that they had a voice in the process in redistricting
9 and who will become a legislator as a result of the
10 redistricting. And if they're educated like I have been
11 educated in preparing for this process, I think it can't
12 help but make them excited about the possibilities. I
13 think that we are so fortunate in California to have the
14 diversity that we do, we really are.

15 MS. RAMIREZ-RIDGEWAY: I don't have additional
16 questions. Panelists?

17 PANEL MEMBER SPANO: No.

18 CHAIR AHMADI: Since we have time, I have to just
19 take advantage of your knowledge.

20 MS. AGUAYO SCHUPBACH: Sure.

21 CHAIR AHMADI: And this may sound like a
22 confession to my limitation of knowledge here, but when
23 you say Regional Director of this NLRB, what area are we
24 talking about?

25 MS. AGUAYO SCHUPBACH: As I mentioned earlier, we

1 have over 30 Regional Offices in the United States.
2 Region 21, which was my former region, has geographical
3 jurisdiction over the Northeastern portion of Los Angeles
4 County, Orange County, San Diego County, Imperial, and
5 Riverside County, so any labor disputes in the private
6 sector and in the United States Postal Service that arise
7 in those areas come under the jurisdiction of the NLRB
8 Region 21. Every Regional Office has a Regional Director
9 and that is the individual who is accountable to the
10 General Counsel and the five-member board in Washington.

11 CHAIR AHMADI: So, every single employer in that
12 region is under the jurisdiction of this NLRB Regional
13 Office?

14 MS. AGUAYO SCHUPBACH: There is a jurisdictional
15 monetary threshold, first of all, it has to be a labor
16 dispute, a labor dispute that interferes with interstate
17 commerce, and that interference is demonstrated by an
18 employer receiving or sending merchandise across straight
19 lines, or, in the case of a retailer, if they have a gross
20 volume of sales in excess of \$500,000, and there is some
21 movement across state lines, that also meets the
22 jurisdictional standard. So these standards were set a
23 very long time ago, so there are many employers who would
24 meet that standard now, but some might argue that labor
25 disputes are just not - they are not happening as often as

1 they used to, or perhaps organizing is not happening as
2 often as it used to, or labor might say that the
3 Administrations have not been sympathetic to organizing,
4 to Unions' goals. There are a number of reasons why. The
5 case intake may not be what it used to, but I deviate, I
6 am sorry for that.

7 CHAIR AHMADI: Thank you very much.

8 MS. AGUAYO SCHUPBACH: You are welcome.

9 MS. RAMIREZ-RIDGEWAY: We have some time on the
10 clock if you care to make a closing statement.

11 MS. AGUAYO SCHUPBACH: Yes, well, first of all, I
12 really want to thank you. It's so nice to meet you in
13 person, finally. I want to thank you for the invitation
14 to come here to the State's Capitol and meet with all of
15 you, and share my experiences with you.

16 As I said just a while ago, it really has been
17 eye-opening for me to be involved in the process, and I
18 think for anyone who has been watching, and, granted, not
19 everyone is watching all of you perhaps as closely as the
20 Applicants, that I think it has been really wonderful to
21 see how the Panel has worked in such a transparent, fair
22 manner, and I see yours as an example that I think the
23 Commissioner would do well to follow. The work will be
24 different, but I think some of the same characteristics
25 that you've demonstrated will serve the Commission well,

1 and if the public is watching the Commission, then I think
2 they will feel like I do, that they've done a good job and
3 served the people well. So I want to thank you all for
4 your time and good luck to you and the rest of the
5 Applicants.

6 VICE CHAIR CAMACHO: Thank you.

7 CHAIR AHMADI: Thank you very much.

8 MS. RAMIREZ-RIDGEWAY: Thank you, Ms.

9 Aguayo Schupbach, for coming to see us. And we will
10 recess until 12:59.

11 (Recess at 12:29 p.m.)

12

13

14

15

16

17

18

19

20

21

22

23